

1994

## Appropriations (1994-1995): Report 04

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# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S9579-S9651*

**Measures Introduced:** Two bills and one resolution were introduced, as follows: S. 2313 and S. 2314, and S. Res. 244. Page S9642

**Measures Reported:** Reports were made as follows:  
S. 2313, to authorize appropriations for Nuclear Regulatory Commission for fiscal years 1994 and 1995. (S. Rept. No. 103-319) Page S9642

**Measures Passed:**

**Helsinki Human Rights Day:** Committee on the Judiciary was discharged from further consideration of S.J. Res. 195, to designate August 1, 1994, as "Helsinki Human Rights Day," and the measure was then passed. Page S9649

**Honor Federal Firefighters:** Senate agreed to S. Res. 244, honoring the three Federal firefighters who died in a helicopter crash while on their way to fight a fire in the Gila National Forest. Pages S9649-50

**\* \* Interior Appropriations, 1995:** Senate began consideration of H.R. 2382, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, agreeing to committee amendments, with certain exceptions, and taking action on amendments proposed thereto, as follows: Pages S9588-S9641

Adopted:

(1) Byrd Amendment No. 2382, of a technical nature. Page S9604

(2) Byrd Amendment No. 2383, to correct the amount of funding for cyclical maintenance of tribally owned fish hatcheries and related facilities. Page S9604

(3) Byrd Amendment No. 2384, to correct the date by which payments are to be made for grants to operate Bureau of Indian Affairs schools. Page S9604

(4) Byrd Amendment No. 2385, to clarify that the Department of the Interior may fund research work orders incrementally. Page S9604

(5) Byrd Amendment No. 2386, to allow service and rental contracts to be executed for a 12-month period at any time during the fiscal year. Pages S9604-05

(6) Byrd (for Burns) Amendment No. 2387, to provide funds for the recruitment and training of American Indians for graduate training in the field of psychology. Pages S9604-05

(7) Byrd Amendment No. 2388, to provide for ongoing operations of the Government of Palau in the event the Compact of Free Association for Palau is not implemented prior to the start of fiscal year 1995. Pages S9604-05

(8) Byrd Amendment No. 2389, to reduce funding in the Compact of Free Association for Palau. Pages S9604-05

(9) Byrd (for DeConcini) Amendment No. 2390, to authorize the Indian Health Service to retain cash payments for meals on the same basis as payroll-deducted meal payments. Pages S9604-05

(10) Byrd (for Dorgan) Amendment No. 2391, to increase funding for the Operation of Indian Programs and reduce funding for the Naval Petroleum and Oil Shale Reserves. Pages S9604-05

(11) Byrd (for Kassebaum) Amendment No. 2392, to reduce the amount provided for emergencies and hardships in the National Park Service land acquisition account, and provide funds for an initiative to establish an inter-connected network of historic frontier military forts in Kansas. Pages S9604-06

(12) Byrd (for Murray/Gorton) Amendment No. 2393, to provide for the completion of the Johnston Ridge Observatory at the Mount St. Helens National Volcanic Monument. Pages S9604, S9606

(13) Byrd (for Stevens) Amendment No. 2394, to allow Alaska Native Claims Settlement Act villages to be eligible to participate in the Indian Health Service Sanitation Facilities Program. Pages S9604, S9606

(14) By a unanimous vote of 92 yeas (Vote No. 229), Byrd Amendment No. 2395, to provide funds to reimburse the representatives of employees who die in the line of duty for burial costs and related costs. Pages S9606, S9626

(15) Baucus Amendment No. 2398, to require a period of review of proposed regulations relating to law enforcement activities of the Forest Service. Pages S9627-28

(16) By a unanimous vote of 89 yeas (Vote No. 231), McCain Amendment No. 2399, to require certain Federal agencies to prepare and submit to Con-

gress rankings of the proposals of such agencies for land acquisition. Pages S9628-29

#### Rejected:

Elms Amendment No. 2396 (to committee amendment on page 81, line 7) to prohibit the use of National Endowment for the Arts funds to provide financial assistance for projects or works involving the mutilation of living or dead human beings, or the drawing or letting of blood. (By 49 yeas to 42 nays (Vote 230), Senate tabled the amendment.)

Pages S9607-17, S9626

#### Withdrawn:

(1) Jeffords Amendment No. 2397 (to committee amendment on page 81, line 7) to restore funding to the National Endowment for the Arts.

Pages S9617-26, S9638-39

(2) Bumpers Amendment No. 2400, to impose a moratorium on patenting of hard-rock mining claims by the Bureau of Mines. Pages S9630-38

Senate will resume consideration of the bill and amendments to be proposed thereto, on Tuesday, July 26.

**Motion To Request Attendance:** During today's proceedings, by 74 yeas to 13 nays (Vote No. 228), Senate agreed to a motion to request the attendance of absent Senators. Pages S9606-07

**Executive Reports of Committees:** The Senate read the following executive report of a committee:

A report to accompany the nomination of Stephen G. Breyer to be an Associate Justice of the United States Supreme Court. (Exec. Rept. 103-31)

Page S9642

#### Communications:

Page S9642

#### Executive Reports of Committees:

Page S9642

#### Statements on Introduced Bills:

Pages S9642-44

#### Additional Cosponsors:

Pages S9644-45

#### Amendments Submitted:

Pages S9645-46

#### Notices of Hearings:

Page S9646

#### Authority for Committees:

Pages S9646-47

#### Additional Statements:

Pages S9647-49

**Record Votes:** Four record votes were taken today. (Total—231)

Pages S9607, S9626, S9629

**Recess:** Senate convened at 9:30 a.m., and recessed at 6:41 p.m., until 8 a.m., on Tuesday, July 26, 1994. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on pages S9650-51.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS—DEFENSE

**Committee on Appropriations:** Subcommittee on Defense approved for full committee consideration, with amendments, H.R. 4650, making appropriations for the fiscal year 1995 for the Department of Defense.

### RWANDA

**Committee on Armed Services:** Committee met to receive a briefing on the situation in Rwanda from Vincent D. Kerr, African Region Director, Office of the Assistant Secretary of Defense for International Security Affairs; Ronald A. Davidson, Deputy Comptroller (Program/Budget), Office of the Secretary of Defense; and Lt. Gen. John J. Sheehan, USMC, Director for Operations, and Rear Adm. (Lower Half) John T. Scudi, USN, Deputy Director for Planning and Resources, both of the Joint Chiefs of Staff.

Committee recessed subject to call.

### NOMINATIONS

**Committee on Foreign Relations:** Committee concluded hearings on the nominations of Brady Anderson, of Arkansas, to be Ambassador to the United Republic of Tanzania; Dorothy Myers Sampas, of Maryland, to be Ambassador to the Islamic Republic of Mauritania; E. Michael Southwick, of California, to be Ambassador to the Republic of Uganda; and Carl Burton Stokes, of Ohio, to be Ambassador to the Republic of Seychelles, after the nominees testified and answered questions in their own behalf. Mr. Anderson was introduced by Senator Pryor, and Mr. Stokes was introduced by Senator Glenn and Representative Stokes. Testimony was also received on the nomination of Mr. Anderson from F. Allen Harris, American Foreign Service Association, Washington, D.C.

### CLEAN AIR ACT—LAKE MICHIGAN REGION

**Committee on Governmental Affairs:** Subcommittee on Oversight of Government Management held oversight hearings to examine the Environmental Protection Agency's implementation of the ozone non-attainment provisions of the Clean Air Act which are applicable to the Lake Michigan Region, receiving testimony from Mary Nichols, Assistant Administrator for Air and Radiation, Environmental Protection Agency; and Stephen L. Gerritson, Lake Michigan Air Directors Consortium, Des Plaines, Illinois.

Hearings were recessed subject to call.

### INDIAN GAMING REGULATORY ACT

**Committee on Indian Affairs:** Committee concluded hearings on S. 2230, to strengthen and improve pro-

[Mr. D'AMATO], the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 13, as follows:

[Rollcall Vote No. 228 Leg.]

#### YEAS—74

|           |             |              |
|-----------|-------------|--------------|
| Akaka     | Durenberger | Mathews      |
| Baucus    | Exon        | Mikulski     |
| Biden     | Feingold    | Mitchell     |
| Bingaman  | Feinstein   | Mozley-Braun |
| Bond      | Ford        | Moynihan     |
| Boren     | Glenn       | Murray       |
| Bradley   | Gorton      | Nunn         |
| Brown     | Graham      | Packwood     |
| Bryan     | Grassley    | Pell         |
| Bumpers   | Gregg       | Pryor        |
| Burns     | Hatfield    | Reid         |
| Byrd      | Heflin      | Riegle       |
| Campbell  | Hollings    | Robb         |
| Coats     | Hutchinson  | Rockefeller  |
| Cochran   | Jeffords    | Roth         |
| Cohen     | Johnston    | Sarbanes     |
| Conrad    | Kassebaum   | Sasser       |
| Coverdell | Kerrey      | Shelby       |
| Danforth  | Kerry       | Simon        |
| Daschle   | Kohl        | Simpson      |
| DeConcini | Lautenberg  | Stevens      |
| Dodd      | Leahy       | Warner       |
| Doile     | Levin       | Wellstone    |
| Domenici  | Lieberman   | Wofford      |
| Dorgan    | Lugar       |              |

#### NAYS—13

|           |           |          |
|-----------|-----------|----------|
| Breaux    | Lott      | Pressler |
| Craig     | Mack      | Smith    |
| Faircloth | McCain    | Wallop   |
| Gramm     | Murkowski |          |
| Helms     | Nickles   |          |

#### NOT VOTING—13

|         |           |            |
|---------|-----------|------------|
| Bennett | Hatch     | Metzenbaum |
| Boxer   | Inouye    | Specter    |
| Chafee  | Kemphorne | Thurmond   |
| D'Amato | Kennedy   |            |
| Harkin  | McConnell |            |

So the motion was agreed to.

The PRESIDING OFFICER. The pending business is H.R. 4602, the Interior appropriations bill. The pending question is a committee amendment on page 48 line 16.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this would be a good time for a Senator to call up an amendment. There will be a rollcall vote at 3:30 p.m. on an amendment. But there are several amendments on the list by Senators, and it is not inconceivable that if Senators would come over and call up their amendments, some of the amendments might be accepted. It is easily also very conceivable that a number of the amendments that are on the list may indeed not be called up.

So it is likewise easy to imagine that we might be able to finish this bill today by going into the evening. Tomorrow there are going to be some interruptions during the day, brought about by the visit of Mr. Rabin and King Hussein and a joint session of the House and the luncheon. It is, therefore, necessary that we make as much progress as we possibly can this after-

noon. It is my understanding that the leader has no desire to go out early or to provide a window. So as far as I am concerned, with my colleague, Mr. NICKLES, we could plow right on through and make as much progress today as we possibly can.

May I inquire of the distinguished Senator from North Carolina [Mr. HELMS] if he plans to call up an amendment momentarily?

Mr. HELMS. Mr. President, I say to my good friend from West Virginia that I do. I have an amendment to the committee amendment on page 81. Would the Senator like me to call it up?

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Chair would indicate to the Senator from North Carolina that there are three committee amendments on page 81. Will the Senator please specify which particular amendment?

Mr. HELMS. I was busily adjusting my hearing aid. Would the Chair repeat that?

Mr. NICKLES. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### AMENDMENT NO. 2396 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 81 LINE 7

(Purpose: To prohibit the use of National Endowment for the Arts funds to provide financial assistance for projects or works involving the mutilation of living or dead human beings, or the drawing or letting of blood)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2396.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

"SEC. . Notwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:

(a) human mutilation or invasive bodily procedures on human beings dead or alive; or  
(b) the drawing or letting of blood."

The PRESIDING OFFICER. The pending question is the Helms amendment to the committee amendment on page 81, line 7.

Mr. HELMS. Page 81, line 7 is correct, Mr. President.

Mr. President, I have tried, without success, to establish in my own mind when, if ever, the liberal news media of America have engaged in more distor-

tions of the truth than in the public discussion of the National Endowment for the Arts. The media have, in fact, been obsessed for at least 5 years, to my knowledge. They have been obsessed with trying to prove that black is white and white is black, and that disgusting, insulting, revolting garbage produced by obviously sick minds is somehow art, and that this art is worthy of being subsidized and rewarded by and with grants of Federal funds—the taxpayers' money, mind you—distributed by the National Endowment for the Arts.

This has been going on, as I say, Mr. President, for at least 5 years, and longer, I am confident, than that.

The Washington Post and similarly oriented newspapers around the country all get their big guns to pulverize anybody who suggests that filth should not be subsidized and rewarded with the taxpayers' money. These newspapers have mocked and ridiculed Senators and Congressmen who have tried to restore some degree of reason to the NEA process. Salvos of accusations have proclaimed that these Members of Congress—and particularly JESSE HELMS—are engaged in nefarious censorship. But how self-righteous they are when they write about censorship. They accuse us of censorship at even the slightest suggestion that the Federal funds authorized and appropriated to and for the National Endowment for the Arts should not be spent on such things as photographs of a naked homosexual with a bull whip protruding from his rear end, or a naked woman on a stage, her body covered with chocolate, or photos of mutilated human corpses, or blood soaked towels dispatched on a pulley over the heads of an unsuspecting audience terrorized by such a surprising development.

This is art, say the media. The Washington Post insists that it is art, and so do newspapers all across the country, many in my own State of North Carolina. They publish sophomoric editorials and stamp their little feet. But, the public disagrees with the editors. The public disagrees with the National Endowment for the Arts.

Now I tried a little experiment back during the Mapplethorpe era. The editors at Greensboro, Winston-Salem, and Raleigh spoke with one voice in condemnation of JESSE HELMS because he did not understand art.

So I sent a little telegram to each of the editors at Charlotte, Winston-Salem, Greensboro, and Raleigh. I said, "I'll tell you what. Let me send to you by Federal Express—I'm not going to send them through the mail because you would complain about that—but let me send you some of Mapplethorpe's photographs and you put a little notice in your paper that people sincerely and genuinely interested are invited to come by your paper and take a look at the pictures—paid for by the taxpayer—of the homosexual with the bullwhip protruding from his rear end, for example."

The Greensboro Daily News editor said, "We're not an art gallery. We're a newspaper." What a pious—well, I shall not finish the sentence.

But this is the way the news media have operated. And they are not going to tell the truth about this debate today, either.

Much of the public has no specific idea of what is afoot, but I can tell you this: Thousands upon thousands of Americans, indeed, millions of them, I believe, have gotten enough of the message—despite the coverup by the news media and by some of the self-proclaimed experts in the art community.

The self-proclaimed art experts pretend that even if the art is gross and even if it is vulgar and offensive, it is art, and it ought to be financed and subsidized by the American taxpayer.

Every time I hear that, I think of Abraham Lincoln, who was asked one time: "Mr. Lincoln, if you count a cow's tail as a leg, how many legs does a cow have?"

And Mr. Lincoln replied: "The cow has four legs, because calling a cow's tail a leg, doesn't make it a leg."

And calling this art—which I am going to display an example or two of in just a minute—calling it art does not make it art.

So the news media's intellectual dishonesty in calling this perverse, filthy and revolting garbage, calling it art does not make it art. It is still filth; it is still perverse—and it is still unworthy of being subsidized with the American taxpayers' money.

And if you do not believe the American people agree with that, ask them a specific question.

Nobody in the Senate, nobody in the House of Representatives, has ever once suggested censorship of the National Endowment for the Arts. If homosexual or otherwise perverse mentalities want to produce such garbage, they are free to spend their own money and their own time doing it—then let them try to sell it in whatever marketplace they choose.

Now another ploy by the defenders of such filth is to contend—now just listen to them, they probably will in this debate, they probably will contend that, "Well, after all, only a few such grants have been made." And think of the thousands upon thousands of other grants. They prate on and on about thousands of grants being made for symphony orchestras, choral groups, public school art forms of all kind.

I remember one Senator in this Chamber a couple of years back, he rolled his eyes to the heavens and said, "not many controversial NEA grants have been made"—so what is the big deal?"

Not many? Well, then, Mr. President, how many are too many? And I guess that is the fundamental question.

Mr. President, in a friendly exchange with that delightful lady Jane Alexander, I posed that very question. As I have stated many times to Mrs. Alexander, who, of course, is the Chairman

of the National Endowment for the Arts, I have never heard one complaint, let alone made one myself, about any grant to a symphony orchestra or a choral group or a program to teach young people how to play instruments or sing songs and that sort of thing.

As a matter of fact, I was pretty active in a group, an opera group, before I came to the Senate.

Now, there have been complaints for years and years about filth and perversion being rewarded time and time again with sizable grants of the American taxpayers' money. And, yes, I have voiced some of those criticisms and complaints and I shall continue to do so as long as there is breath in me.

I asked NEA Chairman Jane Alexander if just one cockroach in a pot of soup would be enough, too many, or not enough. The dear lady sort of avoided that question. She responded that, as a matter of fact, she and her husband had, on one occasion, found a cockroach in their soup served in a restaurant, and that the manager of the restaurant had quickly not charged them for their meals, to make amends for the cockroach in their soup.

Now that is all very interesting, and one can assume that one cockroach in one soup is one cockroach too many. I feel the same way about the National Endowment for the Arts.

But how about those human cockroaches who have repeatedly bullied their way into the pocketbooks of American taxpayers who pay the taxes to provide the money for the National Endowment for the Arts to hand out? We are going to get specific here in just a moment.

You are darn right; if a poll could be taken, I suspect that the vast majority of America's taxpayers would be totally opposed to subsidizing that figurative human cockroach masquerading as an artist.

So, Mr. President, what can be done to remedy the situation, in light of the fact that Congress has been manipulated, year after year, into refusing to prohibit subsidies for obscenity defined in any broad sense? Maybe the amendment which I now have sent to the desk will enable the Senate to address at least one specific obscenity that the taxpayers have been forced to subsidize to the tune of \$20,000.

Now let me, Mr. President, read the text of the pending amendment once more. This amendment, when it is voted upon, will establish precisely how each Senator feels about using tax funds to subsidize and reward an artist who used NEA funds to mutilate the cadavers of human beings.

The amendment at the desk provides:

Notwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:

(a) human mutilation or invasive bodily procedures on human beings, dead or alive; or

(b) the drawing or letting of blood.

Mr. DODD. Will my colleague yield on that point?

Mr. HELMS. I would rather finish my statement, if the Senator will permit me to do so.

Now, as I said, Mr. President, when I first proposed some years ago that some standard of decency be required of the National Endowment for the Arts, the Senate was supplied some examples of the art that the American taxpayers were being forced to subsidize at that time. There was the bull-whip, which I mentioned earlier. There was the crucifix that another artist had submerged in a jar of his own urine and photographed and submitted to the NEA. And he got paid for it. There were other sickening, blasphemous and obscene so-called art.

These were supported and defended by newspaper editors. They have said, "Well, this is just one out of many. You should not be worried about just a few examples."

Well, why should the taxpayer not be worried? Why is there even one example?

Last year, there was the artistry of an NEA beneficiary named Joel-Peter Witken, who the NEA art experts knew at the time had a 20-year track record of mutilating, dissecting, and dismembering human corpses and then photographing them.

For one photograph he submitted while seeking tax funds Congress had appropriated for the NEA, Joel-Peter Witken had severed the head from a corpse, skinned it, and scooped out the brain and transformed that mutilated head into a flower vase.

And those watching on C-SPAN can view the flowers in that artistic flowerpot.

He then photographed it and he submitted, as I say, the photograph to the NEA. His cash reward from the NEA for that was \$20,000, taxpayers' money.

In another example of his unique artistry, Joel-Peter Witken twisted a human head off of a corpse in a way to assure that a jumble of veins and muscles protruded from the neck.

Maybe the C-SPAN cameras can focus on what developed after that. Mr. Witken then sawed the head of that cadaver in half, beginning at the top of the forehead, down, through the nose to the lip and the chin, and then he placed the two halves together in fashion that made it appear that the cadaver was kissing himself. This one-half of the guy's head, this is the other half. That is what you call beautiful art, and I am sure it was worth \$20,000 to somebody, but I do not think you will find many American taxpayers who will agree that their money ought to be used to pay or reward the guy who did that.

By the way, Mr. Witken titled his award winning photograph "The Kiss."

Speaking of depravity, this past March brought reports of yet another NEA-subsidized performance by one of these artists, a man named Ron Atha

It is spelled A-t-h-e-y, but he insists that it be pronounced like "A-thee". Ron "A-thee." and I will try to remember to call him Ron "A-thee," as I refer.

That is his picture, a very handsome man, if you like that kind of man. But let us talk about it. He appeared as a part of the Minneapolis Walker Art Center's Celebration of the Fifth Annual Minneapolis Lesbian, Gay, Bisexual, and Transgender Film Festival. I do not need to identify it further, it was a homosexual film event which the NEA supports annually with your money.

Here is how Mr. Athey's performance went. He informed his audience that he has the AIDS virus. Then he begins his bloody performance, but he tells them nothing about the HIV status of the other performers whom he later slashes and slices on the stage. He keeps that a secret.

Mr. Athey himself described the NEA-supported performance in the Los Angeles Weekly—a homosexual newspaper. He described the three different sets of three parallel lines arranged in a stair-step fashion that he sliced onto, and into, another man's back, and then he carved a triangle, which he called, appropriately, "The Symbol of Queerness."

Just so the RECORD will be complete about the artistic talents of Mr. Athey, I think I should quote his own description of his performance, which was subsidized, do not forget, by whom? The National Endowment for the Arts.

Mr. Athey said of his own performance:

Bleeding is always heavy at first, but it slows down. Paper towels are pressed against the wound, making an imprint, then they are alternately passed to two assistants, who clip prints to the line and send them out over the audience. The prints are not touching any heads. They only come close to a couple of people, mostly over the aisles or completely stage right.

Then he continues to describe his act:

This act has been performed for at least 2,000 people: Three nights at Highways, one night at Los Angeles Theater Center, three club nights.

When the lines are full, the factory workers and three trained tech dykes strike the lines keeping them taut so they don't droop or brush anyone, although this happened once the first night at Highways.

Highways is a so-called performance arts venue in Santa Monica, CA. But that is Mr. Athey's own description of his great moment of artistry in a performance subsidized by the National Endowment for the Arts.

According to the Walker Art Center, at least two members of the audience in Minneapolis fainted. I do not doubt that. Another member of the audience was quoted as saying:

The bloody towels were most upsetting to the audience. It appeared that the towels were going to drip or fall apart because they appeared to be paper towels. People knocked over the chairs to get out from under the clothesline.

I know what some of the supporters of the NEA are going to say, "Oh, that report is false." To say that that report is false is false itself, and I will demonstrate that when the defenders of the NEA try to downplay the significance of this so-called artistry in Minneapolis.

There has been a concerted, unfair, and unfounded effort by the NEA and its obsessive defenders in the news media to discredit descriptions of the performance by a reporter in the Minneapolis Star-Tribune. But Mr. Athey is remarkably boastful about his performance. He said:

The individual chemical reactions people have toward demonstrations of pain, blood and mutilation are involuntary. One or two people usually faint.

Mr. Athey also acknowledges that one or two people usually leave each performance.

Of the Walker Art Center, the organization that used part of its NEA grant to support the Athey performance, he says:

They knew exactly what I did and wanted to present me.

But back to Mr. Athey's performance. After sending those bloody towels over the audience, he then proceeded to stick acupuncture needles and other sharp objects through the skin, the scalp, the cheeks, and other body areas on himself and his cohorts on stage.

The Washington Blade, another homosexual newspaper, described the performance this way:

Two assistants allow Athey to pierce their cheeks with slender barbs; he in turn stands immobile while they weave spinal tap needles through the skin of his shaved head and then wind them with wire to create a "crown of thorns."

Mr. President, during her confirmation hearings, Jane Alexander pledged that under her watch the National Endowment for the Arts would be guided by what she described as "a commitment to funding only the best art America has to offer."

And knowing Jane Alexander, I do not doubt her sincerity in this commitment. She frequently has stated good music and good theater and good painting elevate us all and, of course, nobody disagrees with that. And I told her so.

But something is seriously amiss, Mr. President. In a larger sense, the pending amendment reaches beyond the work of Mr. Athey and his admirers at the National Endowment for the Arts and around the editorial offices and the country.

The broader issue, if any, is the sober realization that for the past two decades, an unmistakable decadence has saturated American society. A furious assault on the traditional sensibilities of the American people has taken its toll. So many have become afraid to stand up and declare the difference between right and wrong, what is ugly and what is destructive and what is noble and what is degrading. No won-

der—no wonder—Mr. President, there has been a cultural breakdown.

Is it not time for millions of Americans, the people more than one President has referred to as the great silent majority, to go on the offensive to regain control of their social and cultural institutions? Taking this small step to put those at the National Endowment for the Arts who have abused and ridiculed our most deeply held beliefs in their place, I think, is a good beginning.

British Prime Minister Margaret Thatcher and President Ronald Reagan said the same thing essentially. They said: If not us, then who? If not now, then when?

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. DODD. I will be glad to yield to the distinguished chairman.

Mr. BYRD. Mr. President, I ask unanimous consent that a vote occur on or in relation to the amendment by Mr. HELMS immediately following the vote which will occur at 3:30 p.m. on an amendment, the vote which was ordered earlier today.

Mr. DODD. Reserving the right to object, I thought that vote was going to occur at 3? Was it 3:30?

Mr. BYRD. The other vote was to occur at 3:31.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators and I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I had not intended to become involved in a debate on this particular amendment because I had heard that it would be accepted and that it was a relatively harmless amendment that would do no significant damage to the National Endowment for the Arts. And therefore it seemed that Members might just accept it. I was prepared, frankly, to depart the Chamber. I have a conference committee meeting on the House side involving interstate banking and a number of other issues.

But I guess I made the mistake that we should not engage in too often around here. I read the amendment.

I want to read the amendment aloud because I want Members to pay close attention to exactly what this amendment says and recognize the implications, if this amendment were to be adopted, as innocuous as it may seem to some.

Notwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the



Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:

- (a) human mutilation or invasive bodily procedures on human beings dead or alive; or
- (b) the drawing or letting of blood.

That is the amendment.

"Any activity or work involving human mutilation or invasive bodily procedures."

Mr. President, it does not take much imagination for anyone, even looking around this building to see where this would apply. I have just been casually going through a book here called "Art Of The United States Capitol." There are countless examples in this book of art in this very building which involve human mutilation or invasive bodily procedures—people being shot, people being knifed, the Battle of Lexington, the Battle of Concord, Daniel Boone, and the Indians. The standard incorporated in this amendment, would preclude that art from being supported by the National Endowment for the Arts.

Even the most casual observer of art will certainly recall some of the great paintings in religious art over the centuries. The crucifixion of Christ, done in even the simplest of ways, is the mutilation of a human being in an invasive procedure. A representation of the nailing of Jesus Christ to a cross would be prohibited under this amendment as I read it, from receiving funds from the National Endowment for the Arts. And this list would go on: The stoning of Mary Magdalen, Saint Sebastian, the decapitation of John the Baptist. I presume people here could add to the list of examples of great works of art that would be prohibited from receiving support under the language of this amendment.

All of us know, I think, what the Senator from North Carolina is driving at here. I think he goes beyond what most Members are interested in doing. What he wants to accomplish is the elimination of any funding for the National Endowment for the Arts. But for those who are interested in sending a reasoned message to the Endowment about the kinds of activities we would like to see supported and not supported, to adopt this amendment would be a mistake. It goes far beyond sending a signal about those particular examples that are highly offensive to people—and the Senator from North Carolina has identified several—and far beyond. I think, what anyone of us here ought to be adopting as part of the law, "Any activity?" It is not just performance art in question here, it is painting, it is music. There is religious music, about the horrors of martyrdom in the history of various religions, that would be potentially an excluded activity.

So I urge my colleagues that, in an effort to deal with this issue, we work to be reasonable in our desire to deal with one set of problems, and not go way overboard. And, in my view, this

particular amendment goes way overboard.

Let me cite some examples here in our own building of what we are talking about. Here is the Battle of Lexington. We have soldiers shooting, people lying on the ground being shot and killed. Below it is the Boston Massacre, which hangs in this building.

As I read this amendment, "any work," "any activity," "human mutilation"—certainly the killing of people in those great, heroic conflicts that gave birth to this Nation. I presume, would qualify under a strict reading of this amendment.

The great frieze which hanging in the Rotunda of this building depicts further examples of what people might call rather invasive art. The battle of Lexington again is here. The death of Tecumseh, at the battle of Thames in 1813 is rather graphic, I suppose. According to a strict reading of this amendment, one could argue that Brumidi would be prohibited from painting that frieze today with the support of the NEA.

This is how ridiculous it can get. I point out to my colleagues there are times, when budgeting, that we consider egregious examples of improper behavior or conduct. But to take a broadax to a problem is not the way we ought to deal with these issues.

So, there may be those who assume this is a rather innocuous proposal who would like to do something about sending a signal to the National Endowment about the kinds of art that is being funded. But this is not it.

I strongly urge Senators to read this amendment carefully and understand its implications. It is anything but innocuous. It is a very serious effort to restrict support for legitimate and worthwhile art endeavors, whether they be in music, in painting, performance art or whatever else. This goes far beyond what anyone would ever intend.

I have here a book on the history of art. I may leave this here for people to go through. You will find numerous examples of art I think a lot of us appreciate and that we would like to see more of, that we encourage and support—but art that certainly would not meet the standard invoked by the Senator from North Carolina with this proposed amendment.

So we will, perhaps, not have much of a debate on this. Maybe this is the only Senator who cares about this. But in our effort to deal with one problem it seems to me we are going to be creating a far greater one and doing damage to an institution, in my view, that deserves better support than it is getting with this proposal.

I understand there are some Members here who just would like to get rid of the Endowment altogether. I disagree with them, but at least I understand that. That is an argument. It is the point of view of those who believe there is no rationale whatsoever to have Federal funding to support the arts. It is a legitimate point of view. I disagree

with it, but this is not ostensibly what we are talking about here. This amendment, however, is one way to achieve that goal, it seems to me, without facing the issue directly.

So I strongly urge the rejection of this amendment, and at an appropriate time I will either offer to table this amendment or urge my colleagues to reject it. This goes far too far. To me it is a dangerous—dangerous language that does not help in our efforts to deal with legitimate concerns some have raised about art that has received funding from the Endowment. That is a debate we may have a little later. But this language and this amendment, it seems to me, ought to be soundly rejected.

So, Mr. President, I will be a part of this debate. I strongly urge Members read the amendment and then think, if you would, about the examples of art in this building and elsewhere that would have been precluded from receiving any support from the National Endowment. Then decide whether or not that is a standard we would like applied to those who are trying legitimately to enrich our culture through their artistic endeavors, excluding many who are in no way interested in the kind of art that the Senator from North Carolina has talked about.

Regardless of how one feels about the National Endowment, particular artists or particular performance art, this amendment ought to be soundly rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the Senator from Connecticut who expressed very articulately the thoughts that we share. As one who minored in art many years ago in college, I think back through all the paintings I studied. Many, many of those involved Jesus on the cross, Saint Sebastian, the Rape of the Sabines, various mythological or actual events that occurred. Many of these would have been prohibited under this amendment.

I think we all want to achieve very much the same objective. The question is merely how to get there. The way to achieve our objective of not having revolting paintings is by making sure the people who make the grants are well chosen and have good judgment. In that regard I think Mrs. Alexander has done very well in her choice of panels and would ought to give her a real chance to succeed.

On a broader scale, I would like to point out that the arts activities are an economic bounty for our Nation worth many billions of dollars every year. The arts fostered by the National Endowment encourage national and international tourism, attract and maintain business in our communities, stimulate real estate development, and contribute to the tax base.

Studies have shown that for every dollar the endowment invests in the

arts. It has created literally a tenfold return in jobs, services and contracts. San Antonio, TX, Greenville, MS, Oklahoma City, and Birmingham are among the cities whose impact studies have shown the enormous economic contribution of the arts.

In fiscal years 1992 and 1993, Arts Endowment grants of about \$120 million each year drew matching grants of \$1.1 to \$1.4 billion, and an estimated 1.3 million full-time jobs.

Mr. President, the tiny proportion of the Federal budget set aside for supporting arts and culture in our society is one of the foremost examples of Federal investment in the U.S. economy. European nations understand this fact. I think if we adopt this amendment we must realize that we encourage other nations to do the same: we will then reio, overhaul the Sistine Chapel? No. Nor should portraits of Jesus on the cross be prohibited.

I hope that we will not vote that way.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first let me ask the Senator from Rhode Island if he had concluded.

Mr. PELL. I had concluded.

Mr. WELLSTONE. The Senator had concluded.

Mr. President, I was listening with great interest to the remarks of my colleague from Connecticut. I have not even had a chance to look at this amendment very carefully, but, Mr. President, I come to the floor as a Senator from Minnesota to talk a little bit about the Walker Art Center, to try to provide some information to my colleagues because I think it is extremely important for me to defend a very, very important institution.

First, Mr. President, I am going to ask unanimous consent that a letter that I received from Kathy Halbreich, who is the director of the Walker Art Center; Tom Crosby, Jr., chairman of the board of directors of the Walker Art Center; and Lawrence Periman, president of the board of directors of the Walker Art Center, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WALKER ART CENTER.

Minneapolis, MN, June 21, 1994.

HON. PAUL WELLSTONE,  
Washington, DC.

DEAR SENATOR WELLSTONE: The Walker Art Center is one of the nation's most esteemed museums of modern and contemporary art. Its programs in the visual, performing, and media arts are uniquely international, multidisciplinary, and diverse. Since 1879, the Walker has supported innovative artists ranging from painter Pablo Picasso to choreographer Merce Cunningham to film director Clint Eastwood. Several Walker-organized exhibitions are now touring worldwide.

Most recently, a retrospective of works by artist Bruce Nauman, who was called by Art in America "the best—the essential—Amer-

ican artist of the last quarter-century," was co-organized by the Walker and the Hirshhorn Museum and Sculpture Garden, Smithsonian Institution, Washington, D.C. It will be seen in Madrid, Minneapolis, Los Angeles, Washington, D.C., New York City, and Zurich.

This year, the Walker and the Minneapolis Sculpture Garden expect to serve nearly 700,000 people through exhibitions, films, performances, and educational programs. Each year the Walker brings more than 3,000 artists and scholars from across the globe to work and perform in Minnesota. Over 40,000 school children visited the Walker last year, and the Walker's new programs for teens are seen as a national model.

Tomorrow the U.S. House of Representatives begins floor debate on FY 1995 appropriations for the National Endowment for the Arts. Minnesota's Walker Art Center has become a focus in this discussion.

As reported in this morning's Washington Times, the Walker Art Center has come under scrutiny because of a single performance in early March 1994. Unfortunately, much of the media attention related to this performance has been inaccurate and highly sensationalized.

Because of the high level of misinformation, we wanted to make you aware of this situation which affects one of the nation's most respected museums. The facts are these:

1. On March 5, an audience of no more than 100 people viewed a performance by the Ron Athey theater troupe. The performance, which also has been seen in other communities such as Los Angeles and Chicago, dealt with the difficult issues surrounding AIDS. Such a performance is consistent with the Walker Art Center's mission to examine the issues that shape, inspire, and challenge us as individuals, cultures, and communities. This was a one-time performance, one of more than 400 events the Walker will present this year. This season, the Walker will present more than 150 performance events ranging from the classical to the experimental.

2. This performance drew on centuries-old traditions from around the world and included a ceremony related to the African tradition of scarification which involved the drawing of a small amount of blood.

3. Because of the nature of this performance, the Walker took all appropriate precautions as developed by the U.S. Centers for Disease Control and provided to the Walker by the Minnesota AIDS Project. The Minnesota Department of Health has publicly concurred that appropriate precautions were taken. We confirmed this position again today in conversations with the Department of Health.

4. Some media reports suggest that "many" members of the audience "fled." This is not accurate. While approximately 10 of the 100 audience members left during the performance, we have personally heard from numerous members of the audience who said that they found the performance "affirming," "moving," and "enlightening." In fact, to our knowledge this entire situation was generated by a single complaint.

5. Approximately \$150 of a \$104,500 National Endowment for the Arts grant to the Walker Art Center for its seasonal programming was used to fund this performance.

The Walker Art Center is one of the most prestigious institutions in the country and has earned an international reputation. The NEA has played a crucial role in helping the Walker Art Center provide these services to Minnesota. Indeed, after New York and California, Minnesota arts and cultural organizations, both large and small, receive the largest amount of NEA funding. It is extremely

disturbing that the NEA, which has made such enormous contributions to the educational and cultural vitality of our state, would be placed in jeopardy by a single event.

We urge you to support the Walker Art Center and the NEA. We encourage you to call us with your questions, comments or concerns.

Sincerely,

KATHY HALBREICH,  
Director, Walker Art Center.

LAWRENCE PERLMAN,  
President, Walker Art Center Board of Directors.

THOMAS M. CROSBY, Jr.,  
Chairman, Walker Art Center Board of Directors.

Mr. WELLSTONE. In this letter—and I will just simply summarize it—there are a couple of relevant sections about what did and what did not happen at the Walker Art Center. This pertains in part to the amendment, but I intend to talk for a while about what happened in Minnesota and about this art center, which is a real treasure not just for people in Minnesota, but for people around the world.

I quote from this letter:

Facts: On March 5, an audience of no more than 100 people viewed a performance by the Ron Athey Theater Troupe. The performance, which also has been seen in other communities such as Los Angeles and Chicago, dealt with difficult issues surrounding AIDS. Such a performance is consistent with the Walker Art Center's mission to examine the issues that shape, inspire and challenge us as individual cultures and communities. This was a one-time performance, one of more than 400 events the Walker will present this year. This season the Walker will present more than 150 performance events ranging from the classical to the experimental.

Just a couple of other facts:

This performance drew on centuries-old traditions from around the world and included a ceremony related to the African tradition of scarification which involved the drawing of a small amount of blood. Because of the nature of this performance, the Walker took all appropriate precautions as developed by the United States Centers for Disease Control and provided to the Walker by the Minnesota AIDS project. The Minnesota Department of Health has publicly concurred that appropriate precautions were taken. We confirmed this again today in conversations with the Department of Health.

Just another fact:

Approximately \$150 of the \$104,500 National Endowment for the Arts grant to the Walker Center for its seasonal program were used to fund this performance.

Out of a total grant, Mr. President, of \$104,500, \$150 was used.

Some facts about the Walker, because I fear my colleague sometimes may decontextualize—focusing on one example—from what the Walker Art Center is all about, and for that matter what the arts and humanities is all about.

The Walker is a uniquely multidisciplinary, diverse, and international museum with programs in visual programming and media arts that reach nearly 700,000 visitors each year. Several Walker-organized exhibitions currently are touring worldwide. In ad-



dition, during an 18-month period Walker exhibitions will be seen in New York at the Whitney Museum of American Art, the Zuckerman-Guggenheim Museum, and the Museum of Modern Art. Each year over 3,000 artists, scholars and critics from around the world visit the Walker to share their experience and work with a wide variety of audiences, young and old.

These facts do not come out: last year approximately 40,000 school children toured the Walker. Each summer the Walker sponsors a summer institute for elementary and secondary schoolteachers, helping them prepare for an interdisciplinary approach to incorporate the arts in their curriculum.

And the Walker, Mr. President, has reached out in all sorts of wonderful ways to young people and communities of color in my State of Minnesota.

These are the facts about the Walker Art Center, but as Frank Rich said in his New York Times editorial of June 26, 1994, "Why let the facts stand in the way of a cause?"

I do not know what the cause is, but if the cause is to essentially go after the National Endowment for the Arts, to go after the arts community and the enormous enriching contributions that that community makes to our communities in Minnesota and South Dakota, urban and rural, white and African-American and Native American and Southeast Asian and Hispanic, I think we would be making a terrible mistake.

Mr. President, as many have said, a child who picks up a paintbrush, a pen, or a clarinet—and these will be words dear to my colleague from Connecticut who cares so much about children—will be less likely to pick up a gun or a needle. A child who picks up a paintbrush, a pen or clarinet will be less likely to pick up a gun or a needle.

Before there was a National Endowment for the Arts, President KENNEDY in a speech at Amherst College in 1963 said the following:

I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standards of artistic accomplishment and which will steadily enlarge cultural opportunity for all of our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well.

Mr. President, I have to tell you that whether it be this particular amendment or whether it be efforts to cut into this budget—cuts I really believe will end up with too broad a stroke of the brush, really being counterproductive and denying so many of our citizens what is so enriching about the arts—I have to be clear about what did happen and what did not happen in my State of Minnesota.

Most important of all, I am not here to debate the work of Mr. Athey. I am not even interested in the debate about the merits of his work. What I am interested in, Mr. President, is making sure that my colleagues understand the Walker Art Center, that my colleagues understand the enormous importance of the arts in my State of Minnesota

and in this country. I am interested in making sure that my colleagues understand that in anger about one particular production—which many of us may not like or some of us may say is controversial but is part of what has to be done by way of generating discussion and thought—that is not the point. The point is this: let us not pass amendments which are way off the mark and let us not react in such a way that we undercut the very importance of the arts community.

I would also say that as I see what Jane Alexander is now doing—instituting reforms to increase accountability at the Endowment—I think it would be a huge mistake for us to rush forward in the Chamber of the Senate and pass amendments that are counterproductive, pass amendments that go against the very grain of what arts and community in our country are about.

Mr. President, let me be crystal clear. I do not want to let any Senator—whether I agree or disagree with that Senator on some of the specifics about this particular production—I do not want to let any Senator decontextualize—and that is the right word—what the Walker Art Center does in my State of Minnesota, in our country and our world. I want Senators to understand the whole range of contributions of this institution. I want my colleagues to understand the full importance of what people at the Center have done and continue to do, and I want my colleagues to understand the full importance of the arts to the community.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, let me commend my colleague from Minnesota for his fine statement.

Just again going through some of the art here in the Capitol that in my view would be precluded from ever receiving any funding from the National Endowment for the Arts if the Helms amendment were to be adopted—the wonderful painting painted by one of the great Western artists in this country, Seth Eastman, called Death Whoop. Mr. President, I do not have charts, tables or graphs, but here is a picture of a native American with a bow and arrow in one hand, a knife in the other, and a scalp of a Western pioneer who faced that horrible death.

If I read the Helms amendment correctly, which says "any activity"—painting—"where human mutilation or invasive bodily procedures on human beings dead or alive; or the drawing or letting of blood"—certainly scalping—it is clear by this standard, Mr. President, if this amendment were applicable and Seth Eastman had sought some funding from the National Endowment for the Arts, that painting would not hang as it does today in the Longworth House Office Building. Nor would the magnificent bronze doors on the en-

trance to the House, one of the great treasures of the Capitol.

These doors, designed by Thomas Crawford, are composed of bronze panels. Two of those panels—the massacre at Wyoming, PA, a rather brutal portrayal of what happened in Wyoming, PA, on July 3, 1878; and the Battle of Lexington on April 19, 1775—are included as panels of the Crawford bronze doors. Again, bodily mutilation and invasive procedures, the drawing or letting of blood.

I think I understand what our colleague from North Carolina is driving at with his amendment when he talks about some of the more egregious examples. But in an effort to deal with those, the language encompasses more than you can very quickly become ensnared by your own words.

I think I understand what our colleague from North Carolina is driving at with his amendment when he talks about some of the more egregious examples. But in an effort to deal with those, the language encompasses more than you can very quickly become ensnared by your own words.

So I again urge my colleagues to read this amendment and consider the clear implications of what this amendment would provoke. As I said, again it removes all funds to any activity or work involving human mutilation or invasive bodily procedures on human beings, dead or alive, with the drawing or letting of blood. Clearly, there are some examples where people would think that standard would apply. I am sure most Members, as I said a while ago, can think of wonderful examples of some of the great art of the world that would have been denied support or funding if that language had been applicable at the time those masterpieces were created.

Others may find this to be harmless. I do not at all. I think this amendment is anything but harmless.

I hope at some point people will start having a sense of proportion when it comes to the National Endowment for the Arts. It is like any other agency. When it does something wrong, it ought to be criticized. And people can think of ways in which to express their criticism. But this goes way overboard in my view. This goes far too far in trying to deal with the problem. This kind of language would do irreparable damage to the Endowment.

So despite what my colleagues may feel about later amendments that may come from other Members of this body, this amendment ought not to be adopted, Mr. President.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, several times during his discussion the Senator from Connecticut has speculated about what I am driving at. There is no question about what I am driving at. The question is, when did he drive over the cliff in his assessment of what

amendment does? He says "Read the amendment." Let us do that. I take the Senator from Connecticut at his word. Let us read it because he apparently has not read it.

It says.

Notwithstanding any other provision of law, none of the funds made available under this act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward or award financial assistance to any activity or work involving—

And this is what he did on stage.

human mutilation or invasive bodily procedures on human beings, dead or alive; or the drawing or letting of blood.

The Senator from Connecticut is going far afield. He brought the crucifixion of Christ into it. Let me tell you something. If this amendment would have stopped the crucifixion of Jesus Christ, I would say let us vote for it twice. It is the same argument that you hear every time anybody suggests doing something to bring reason to the distribution of funds by the National Endowment for the Arts.

I have said many times on this floor, today and previously, that Jane Alexander is a fine lady. I think her intentions are good. But she has been overwhelmed. She has been overwhelmed.

Then the Senator from Minnesota was talking about how much he knows about the performance that went on in Minneapolis. However, the Minnesota Department of Health said.

We were contacted after the fact. Had we been called in prior to the performance to evaluate the methods and procedure, we would not have been in a position to endorse the performance. The bottom line is that you did have towels with blood on them, and applying public health guidelines, you would not use items like that as props in a theatrical performance. If for some reason a towel fell, or something went wrong, it could be troublesome.

You bet it would be.

Mr. President, we have this kind of reaction every time an amendment comes up suggesting some reason be applied to the distribution of NEA funds. They say, "Oh, well, there are just a few of them."

How many cockroaches are too many, as I said, in a bowl of soup? The thing about getting rid of the cockroaches is to not put up with the cockroaches in the first place.

Instead of holding the NEA accountable, the newspapers around the country have been attacking the lady—Mary Abbe—who wrote the original story about Ron Athay's performance. She protested to the Chairman of the National Endowment for the Arts, Ms. Alexander. I think it is worthwhile for her side of the story to be put in the RECORD. I am not going to read it all, but I am going to read part of it.

Mary Abbe, who is an art critic and art news reporter for the Star Tribune of Minneapolis-St. Paul, wrote the following in a letter to NEA Chairman Alexander:

In a letter of 15 June 1994 to the members of Congress, you take issue with my report-

age in particular and the Star Tribune's coverage of that event in general. I object to your characterization of my work and the paper's coverage. In fact, you have misread the article. It does not say that "blood was dripping from towels," as you claim. See enclosed copy of article.

Nor was the article "erroneously reported" or a "false report" as you assert. Walker Art officials have privately expressed dismay about the way in which Mr. Athey's performance was described in the article and deplored the response of individuals who objected to the performance. But they do not deny that Mr. Athey cut an abstract design into the flesh of another man, blotted the man's blood on paper towels, attached the towels to a revolving clothesline and suspended the blood-stained towels over the audience.

Nor do they dispute the fact that Mr. Athey, who is HIV-positive, pierced his arm with hypodermic needles and drew blood when he and his assistants pierced his scalp with acupuncture needles."

Further down, she continues.

In the end, Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or "ritual scarification" and "erotic torture," as the institution describes it. The NEA must defend its decision to endorse that program.

Mr. President, the point is that if we do not do something to indicate to the NEA that we are not going to put up with this sort of thing, it is going to go on and on and on. You will have the kind of inane Senate debate that you had this afternoon about the crucifixion of Jesus, Custer's Last Stand, and so forth.

I want to go through that catalog that the Senator from Connecticut referred to earlier and have him show me which one got a grant from the National Endowment for the Arts. Not one of them, I'll bet. He raises all sorts of specters, and you will hear more of them. I see another good Senator from the Republican side, who always takes the position that we must not interpose the judgment of the U.S. Senate into the expenditures of the National Endowment for the Arts. Well, if we are not supposed to do that, what are we supposed to do?

That is the point of this amendment. Senators can vote for it or against it. I am amazed that time after time, this sort of thing happens, with all of the frivolous arguments that are made against an amendment designed—and designed correctly, I might add and insist—to do something about a situation that needs attention.

I ask unanimous consent that the entire letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STAR TRIBUNE.

Minneapolis-St. Paul, MN, June 21, 1994.

Chairman JANE ALEXANDER,

Office of the Chairman, National Endowment for the Arts, The Nancy Hanks Center, Washington, DC.

DEAR CHAIRMAN ALEXANDER: In an article published 24 March 1994 in the Minneapolis Star Tribune, I reported public complaints about a performance by Los Angeles artist Ron Athey that was staged by Walker Art

Center in Minneapolis. That event and subsequent reports about it have generated considerable debate here in the Twin Cities, including letters to the editor of this newspaper expressing both appreciation for and revulsion at Mr. Athey's activities and the Walker's presentation of them.

In a letter of 15 June 1994 to members of Congress, you take issue with my reportage in particular and the Star Tribune's coverage of that event in general. I object to your characterization of my work and the paper's coverage. In fact, you have misread the article. It does not say that "blood was dripping from towels," as you claim. See enclosed copy of the article.

Nor was the article "erroneously reported" or a "false report" as you assert. Walker Art Center officials have privately expressed dismay about the way in which Mr. Athey's performance was described in the article and deplored the response of individuals who objected to the performance. But they do not deny that Mr. Athey cut an abstract design into the flesh of another man, blotted the man's blood on paper towels, attached the towels to a revolving clothesline and suspended the blood-stained towels over the audience.

Nor do they dispute the fact that Mr. Athey, who is HIV-positive, pierced his arm with hypodermic needles and drew blood when he and assistants pierced his scalp with acupuncture needles. "The head thing actually did bleed, the arm did not," said John Killacky, the Walker's curator of performing arts who booked Mr. Athey and staged the event.

Like you and Walker director Kathy Halbreich, I did not attend this event. In the course of reporting on it, however, I have conducted extensive interviews with five individuals who witnessed Mr. Athey's performance.

They all agree that these things occurred. They differ only in what they thought of the activities and how they and others responded to them.

I am disturbed that you now, in the U.S. Congress, charge the Star Tribune with "erroneous reportage" and disseminating "false reports." If there are errors in our accounts, please notify Mr. Lou Gelfand, the Star Tribune's ombudsman who will investigate the charges.

I am also disturbed that you imply that the only letters received by this newspaper were those objecting to alleged "inaccurate coverage" and "trivialization." The paper received and published a wide variety of responses to the event, some expressing the views you indicate, and others critical of the event and its presentation by the Walker.

As you note in another context, "These people are taxpayers too."

On 3 June 1994 you met for about an hour with members of the Star Tribune's editorial board and others here in Minneapolis. I was at that meeting. At no point in the discussion was Mr. Athey's performance even mentioned. If you were concerned about erroneous reportage and false reports, surely that would have been an appropriate time to discuss them.

In your letter to Congress you note that you have devoted the first year of your chairmanship to "turning around the reputation of the NEA by engaging people all over the country in a dialogue about all of the very good projects" the agency supports. Then you say it was in that context that you gave them "the facts regarding the performance at the Walker Art Center."

You did not give them the facts.

In my capacity as the Star Tribune's art critic and art news reporter for the past decade, I have previously written commentaries in support of the National Endowment for

the Arts. I expect to have occasion to do so again in future because, like you, I recognize that the NEA has made—and doubtless will continue to make—important contributions to the cultural and artistic life of the United States.

The organization's good work, however, does not exempt it from criticism when its grant money is used in support of events that some find objectionable. Nor does what you call Walker Art Center's "overwhelming support" exempt its activities from public discussion.

In a society founded, as ours is, on free speech and open public debate, the activities of your agency, Walker Art Center and this newspaper are all open to discussion. That discussion is not furthered by pointing fingers at the press and lodging false charges of inaccuracy.

In the end, Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or "ritual scarification" and "erotic torture" as the institution describes it. The NEA must defend its decision to endorse that program.

Your attempts to blame the press for criticisms of your agency merely trivialize the issues and obscure the facts.

Cordially,

MARY ABBE.

*Art Critic/Art News Reporter.*

Mr. BYRD. Mr. President, I will take a minute.

Might I ask the Senators if we could agree to, say, 10 minutes remaining on this amendment, and go to another amendment? The vote on this amendment will not occur until after the vote on the amendment which was previously ordered, and that will occur at 3:30. Then there will be a vote on or in relation to this amendment.

Could we close debate on this one so we can get on with another amendment?

Mr. WELLSTONE. Mr. President, I say to the Senator that I probably only need 2 minutes to respond. I am not even here so much to debate the amendment. I want to talk about what happened in Minnesota.

I will be pleased to have just 2 minutes.

Mr. HELMS. Mr. President, I do not intend to say anything further. The amendment speaks for itself.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that further debate on this amendment not exceed 5 minutes and that when the Senator from Minnesota completes his statement, the Senator from Vermont [Mr. JEFFORDS] be recognized to call up an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Senator from West Virginia.

Mr. President, just for the record, I actually will have the article that the Senator from North Carolina referred to in the Star Tribune, and I will need to look at it to get the full context. But my understanding of that article, one more time, is that this was an interview with somebody from the De-

partment of Public Health who speculated that had they known in advance of this performance, they might have advised the Walker not to go forward, or this particular person might not have.

Again, one more time, for the Record, I refer to the letter I have already included in the RECORD. The Walker Art Center took all appropriate precautions as developed by the U.S. Centers for Disease Control and provided to the Walker Center and the Minnesota AIDS project. And what I have here in my document is that the Minnesota Department of Health—I do not think this individual in the story was speaking for the whole Department of Health—concurred that appropriate precautions were taken.

Mr. President, one more time, I am not even arguing the merit of this particular performance. I wanted to make it crystal clear that this performance is a part of a much larger program that the Walker offers, and I wanted to talk about the importance of the Walker Art Center and the importance of the arts to the community, and I wanted to talk about the unique importance of the arts to young people. I wanted to make sure that in responding to a performance that many may not like, many may find repulsive—and each and every Senator can have their own view—that we do not slash budgets and go overboard and undercut the importance of the arts.

I want to be clear about what the RECORD shows in regard to what happened in Minnesota. I ask unanimous consent that the Star Tribune article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star Tribune, July 25, 1994]

#### WALKER SURVIVES DISPUTE, REMAINS ON NEA GRANT LIST

(By Mary Abbe)

The National Endowment for the Arts today announced \$31.5 million in grants to organizations nationwide—with \$80,000 going to Walker Art Center out of Minnesota's take of nearly \$1.5 million.

The federal agency made clear in its announcement that the grants were intended, in part, to remind the public—and especially Congress—that the vast majority of its activities are not controversial. Agency Chairwoman Jane Alexander said that grants for arts education, public television, community museums, theaters and "underserved" rural and urban areas represented the NEA's real work. They are the kind of grants that "don't make headlines and are all-too-often overlooked in the debate over federal funding of the arts," she said in a statement.

Minnesota organizations received \$1,476,300 in awards, including \$475,000 in two grants to Twin Cities Public Television, \$250,000 to the Guthrie Theater Foundation and \$122,900 to Arts Midwest, a regional agency. The Minnesota State Arts Board received \$80,200 and the Walker Art Center's film and video department got two grants totaling \$80,000.

The NEA has been struggling since March to quell a national furor that erupted after the Walker used \$150 of NEA money for a body-piercing and bondage event in which

Los Angeles performer Ron Athey made 10 incisions into the scarred back of a colleague and suspended blood-stained paper towels over the audience on clotheslines.

The event became fodder for radio talk shows and the subject of newspaper editorials and articles across the country. A Boston Globe columnist said it was an "abomination" and called for the NEA to be shut down. The Los Angeles Times, however, dismissed it as a "minor scandal" that should not imperil the NEA's existence. Last week, Newsweek described Alexander as "clearly shaken by the agency's fragility in the face of the Athey tempest."

Alexander and the Walker have defended the performance, but Congress hasn't been mollified. In June, the House voted a 2 percent cut in the NEA's proposed \$170.2 million budget. This week, the Senate is expected to vote on a proposed 5 percent cut targeted at specific programs that previously have caused trouble for the agency.

The Walker incident took a twist last week when the Minnesota Health Department said it would not have sanctioned the Athey performance if it had been notified that the public would be exposed to blood-stained towels. When the Star Tribune first reported the event in March, health officials said it did not appear that audience members were endangered. The Health Department's assessment was cited by NEA defenders during the June debate in the House. Alexander also has written to Sen. Robert Byrd, D-W.Va., who chairs the appropriations committee that proposed the 5 percent budget cut, insisting that the Walker had followed proper health and safety precautions.

In the Twin Cities Reader last week, however, Buddy Ferguson, public information officer for the Health Department, said, "had we been called in prior to the performance and evaluated the methods and procedures [for handling blood], we would not have been in a position to endorse the performance."

"The bottom line is that you did have towels with blood on them," Ferguson told the Reader. "And applying public health guidelines, you would not use items like that as props in a theatrical performance. If for some reason a towel fell, or something went wrong, it could be troublesome."

The NEA apparently hopes that today's grant announcements will distract Congress attention from such details.

Other Minnesota organizations and individuals getting NEA money include: Minnesota Public Radio (\$30,000), Jerome Foundation (\$45,000), the Minnesota Orchestra Association (\$46,000), Theatre de la Jeune Lune (\$47,500), Children's Theater Company and School (\$45,000), Mixed Blood Theater Company (\$50,000), filmmaker Garret C. Williams (\$35,000) and the Loft (\$36,500).

Grants ranging between \$5,000 and \$20,000 also went to: Minnesota Composers Forum, Penumbra Theatre Company, Illusion Theater and School, Jungle Theater, Playwrights Center, Cricket Theatre Corp., Heart of the Beast Theatre, Adaptions (theater), Red Eye Collaboration, American Public Radio, Intermedia Arts of Minnesota, the St. Francis Music Center in Little Falls and Angela Bies of Morris.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, to modify the chairman's request, I ask unanimous consent to speak on this amendment for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise in support of my colleague's amendment.

ment. I echo some of the concerns he has about some of the misinterpretations of the reading of the amendment. I have read it two or three times, and I think it is pretty plain.

I think the Senator from North Carolina is basically saying he wants to stop the type of art that he has exhibited on the floor, that has been referred to, and that has been very offensive. We are not talking about historic art or battlefields; we are talking about people mutilating their bodies and calling that art. I might include in the RECORD a copy of the letter that was written by the reporter from the Minneapolis newspaper, the Star Tribune, a letter dated June 21, 1994. It is written to Chairman Jane Alexander and also copied to Senator BYRD and myself. I will read three of the last paragraphs.

The organization's good works—

Talking about the NEA—

however, does not exempt it from criticism when its grant money is used in support of events that some find objectionable. Nor does what you call Walker Art Center's "overwhelming support" exempt its activities from public discussion.

In a society founded, as ours is, on free speech and open public debate, the activities of your agency, the Walker Art Center, and this newspaper, are all open to discussion. That discussion is not furthered by pointing fingers at the press and lodging false charges of inaccuracy.

In the end, Walker Art Center must defend its decision to stage a performance involving human bloodletting and mutilation—or "ritual scarification" and "erotic torture," as the institution describes it. The NEA must defend its decision to endorse that program.

Your attempts to blame the press for criticisms of your agency merely trivialize the issues and obscure the facts.

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STAR TRIBUNE.

Minneapolis-St. Paul, June 21, 1994.

Chairman JANE ALEXANDER.

Office of the Chairman, National Endowment for the Arts.

The Nancy Hanks Center, Washington, DC.

DEAR CHAIRMAN ALEXANDER: In an article published 24 March 1994 in the Minneapolis Star Tribune, I reported public complaints about a performance by Los Angeles artist Ron Athey that was staged by Walker Art Center in Minneapolis. That event and subsequent reports about it have generated considerable debate here in the Twin Cities, including letters to the editor of this newspaper expressing both appreciation for and revulsion at Mr. Athey's activities and the Walker's presentation of them.

In a letter of 15 June 1994 to members of Congress, you take issue with my reportage in particular and the Star Tribune's coverage of that event in general. I object to your characterization of my work and the paper's coverage. In fact, you have misread the article. It does not say that "blood was dripping from towels," as you claim. See enclosed copy of the article.

Nor was the article "erroneously reported" or a "false report" as you assert. Walker Art Center officials have privately expressed dismay about the way in which Mr. Athey's performance was described in the article and de-

plored the response of individuals who objected to the performance. But they do not deny that Mr. Athey cut an abstract design into the flesh of another man, blotted the man's blood on paper towels, attached the towels to a revolving clothesline and suspended the blood-stained towels over the audience.

Nor do they dispute the fact that Mr. Athey, who is HIV-positive, pierced his arm with hypodermic needles and drew blood when he and assistants pierced his scalp with acupuncture needles. "The head thing actually did bleed, the arm did not," said John Killacky, the Walker's curator of performing arts who booked Mr. Athey and staged the event.

Like you and Walker director Kathy Halbreich, I did not attend this event. In the course of reporting on it, however, I have conducted extensive interviews with five individuals who witnessed Mr. Athey's performance.

They all agree that these things occurred. They differ only in what they thought of the activities and how they and others responded to them.

I am disturbed that you now, in the U.S. Congress, charge the Star Tribune with "erroneous reportage" and disseminating "false reports." If there are errors in our accounts, please notify Mr. Lou Gelfand, the Star Tribune's ombudsman who will investigate the charges.

I am also disturbed that you imply that the only letters received by this newspaper were those objecting to alleged "inaccurate coverage" and "trivialization." The paper received and published a wide variety of responses to the event, some expressing the views you indicated, and others critical of the event and its presentation by the Walker.

As you note in another context, "These people are tax payers too."

On 3 June 1994 you met for about an hour with members of the Star Tribune's editorial board and others here in Minneapolis. I was at that meeting. At no point in the discussion was Mr. Athey's performance even mentioned. If you were concerned about erroneous reportage and false reports, surely that would have been an appropriate time to discuss them.

In your letter to Congress you note that you have devoted the first year of your chairmanship to "turning around the reputation of the NEA by engaging people all over the country in a dialogue about all of the very good projects" the agency supports. Then you say it was in the context that you gave them "the facts regarding the performance at the Walker Art Center."

You did not give them the facts.

In my capacity as the Star Tribune's art critic and art news reporter for the past decade, I have previously written commentaries in support of the National Endowment for the Arts. I expect to have occasion to do so again in future because, like you, I recognize that the NEA has made—and doubtless will continue to make—important contributions to the cultural and artistic life of the United States.

The organization's good work, however, does not exempt it from criticism when its grant money is used in support of events that some find objectionable. Nor does what you call Walker Art Center's "overwhelming support" exempt its activities from public discussion.

In a society founded, as ours is, on free speech and open public debate, the activities of your agency, Walker Art Center and this newspaper are all open to discussion. That discussion is not furthered by pointing fingers at the press and lodging false charges of inaccuracy.

In the end, Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or "ritual scarification" and "erotic torture" as the institution describes it. The NEA must defend its decision to endorse that program.

Your attempts to blame the press for criticisms of your agency merely trivialize the issues and obscure the facts.

Cordially,

MARY ABBE.

Art Critic, Art News Reporter.

Mr. INOUE. Mr. President, I rise in defense of the National Endowment for the Arts and its chairperson, Jane Alexander.

Though I feel that some discretion must be used in the grant awards process, I do not support the funding cuts for the NEA as reported out of the Committee on Appropriations. The performance to which many have objected, by performance artist Ron Athey at the Walker Art Center in Minneapolis, MN, was not directly funded by the NEA. Only \$150 of NEA money awarded to the center before Ms. Alexander was confirmed as NEA chair was used for the performance in question.

Further, the NEA, under the leadership of Chairperson Alexander, is in the process of reforming its procedures so that institutions and individuals receiving grants are held accountable for the appropriate use of NEA funds. It is just not responsible governance to cut the NEA's funding at a time when it is already acting to respond to the concerns of those who question the artistic merits of some grant recipients.

Federal investment in the arts through the auspices of the NEA is invaluable to our Nation. A national institution such as the NEA is critical to encourage artistic development. I have always believed that every penny spent on the arts enriches our lives immeasurably.

Mr. President, I have every confidence in Chairperson Alexander's ability to lead the NEA in fostering and promoting artistic and cultural excellence. Let us not undercut her efforts. Let us instead allow her the latitude she needs in order to carry out her mission.

Ms. MOSELEY-BRAUN. Mr. President, art, its performance and appreciation, can change a life. It certainly can make your day. There is nothing like going to the museum or a concert. All of your worries melt right away. The music immediately calms you down. Walking through a room filled with beautiful paintings soothes your soul. And a theater performance takes you to another world.

Art is the emancipator of the spirit. It is the way that we propagate our culture from generation to generation. It reflects the development of our civilization, while anchoring us in the beauty and wisdom of the past. It is as essential to our well being as a people as it is to our personal enjoyment. It educates; it expands our horizons; it enhances us as individuals and as a community.



Here in Washington, we can walk right over to the Smithsonian and the Kennedy Center, and have access to world class exhibitions, the best American art in the country, and musicians from all over the world. Many other major metropolitan areas also attract the best names and exhibitions, giving their residents access to the world's artistic treasures.

But not everybody lives in a big city. Mr. President. And because of the National Endowment for the Arts, Americans do not have to live in big cities to have access to art, because the NEA brings art and artists to small communities. It brings performances to places not on the international circuit. And these performances and exhibitions touch people who would otherwise often have no access.

The NEA brings art to children through countless program in schools across Illinois, at a time when school budgets are cutting art programs to save money. It brings art to disadvantaged communities—to people who live in Chicago, one of the centers of art in the United States, but who have never set foot in the great art institutions on Michigan Avenue.

I want to take a few minutes to tell you about how the NEA contributes to countless communities in Illinois.

The NEA grants money to the Quad City Arts, for example, for their visiting artist series. The Quad Cities is made up of four cities that straddle the Mississippi River in northern Illinois—two in Iowa and two in Illinois. The total population is about 400,000 people. It's a 3-hour drive from Chicago.

The visiting artist series brings nationally known artists to perform in the schools, hospitals, factories, malls, prisons, and mental health centers of the Quad Cities. They perform free public concerts, which draw 500 to 700 people each. One mother told the Quad City Arts how the visiting artist series had affected her son. A musician had performed in his school class using computers. Her son never knew that computers could make music. It was a turning point for him, and his grades have improved and his interest in school has increased.

Kids who saw artists perform at school ask their parents to take them to the free public concerts. Their parents are then also exposed to the performances. Most of these people don't often have the chance to drive the 3 hours to Chicago to go to a museum or a concert. But because of the NEA, they don't have to. Quad City Arts brings it to them.

Quad City Arts funded a mural project at a shelter for children who have been pulled out of their families due to abuse or other problems. There was a big common room at the shelter that was never used because the young people did not feel comfortable there. Quad City Arts came in with paints and brushes and the youngsters and staff started painting a mural in the common room. They made the room

their own—at a time in their lives when they had just lost their home, their family, and their self-confidence. Now the kids are painting every room in the shelter, and when they've painted every room, they'll paint over the existing murals and start again. These youngsters are proud again. They have found a voice to express their hurt and frustration. And they feel at home.

Why is the NEA money so important? The Quad City Arts uses it to raise private money through matching grants. The NEA lends credibility to art institutions when they ask private foundations and corporations for funding. The NEA dollars multiply money for the arts exponentially.

I also want to talk about the Krannert Center in Urbana, in east-central Illinois. The Krannert Center is affiliated with the College of Fine and Applied Arts at the University of Illinois. Urbana is 2½ hours south of Chicago, 2 hours west of the Indianapolis, and 3 hours northeast of St. Louis. Communities around Urbana average 3,300 people. Every one in the region is underserved by virtue of the size of the communities and their location within the State. The Krannert Center provides access.

The NEA helps fund the Sunday salon series, which presents emerging artists and ensembles, who are national and international competition winners. The audience is given the opportunity to meet the artists, discuss the building of their careers, their experiences as musicians, and their performance. The series brings together the humanness of the artists, and the realness of the patrons on a very immediate level.

The Krannert's youth series is its most successful outreach program. Over 20,000 students—grades pre-K through 12—attend daytime performances of theater, modern dance, ethnic music and dance, puppetry, mask/mime, and classical music. The center also provides curriculum materials allowing teachers to integrate the performance into their lessons.

The popularity of this program led the center to establish the Krannert Caravan. It takes artists into area schools for 1 to 5 weeks, allowing even the smallest schools with the smallest resources the opportunity to experience the performing arts. The Krannert Caravan serves an additional 6,500 students in schools within 45 miles of Champaign-Urbana.

And finally, I'd like to talk about a program of the Old Town School of Folk Music in Chicago. With NEA's help, they sponsored the Festival of Latin Music at Orchestra Hall. The program brought people of all races and communities together to appreciate each others cultures. For the vast majority in attendance, it was the first time they had ever been in Orchestra Hall.

Mr. President, I mention this program because it is an example of art bringing people together and breaking

down barriers. Chicagoans who might never wander into a Latino neighborhood were introduced to Latino culture and mingle with city residents they might not otherwise approach.

Mr. President, the rich will always have access to art. They can get on plane to Rome and see Michelangelo's Sistine Chapel. The not-so-rich in big cities will also always have access to art. Private donations and ticket sales maintain fine art museums, orchestras, and theaters in major metropolitan areas all over the country. But the NEA reaches further. It gives small rural communities access; it gives children access; it gives disadvantaged communities access. It introduces immigrants to the arts of all of the cultures that make up this country, and makes them feel at home at a cultural event of their native land. Art brings people together across cultures, race, and politics. It fosters communication and understanding between communities. In short, the NEA is an example of a Government agency making an important difference in the lives of people. I support it, its leadership, and its good work.

Mr. BINGAMAN. Mr. President, I rise today to address the issue of funding for the National Endowment for the Arts. In the past several weeks, there has been a great deal of discussion about that funding, and the uses of that funding. Once again, this debate has focused on the very small percentage of funded projects that are objectionable to many of us here in Congress. However, in this debate, I believe that it is equally important to discuss the vast majority of projects funded by the NEA that are an overwhelming success. I therefore would like to spend a few minutes discussing a few of the many successful NEA efforts in my home State of New Mexico in the last few years.

One of the most successful efforts in receiving funding in New Mexico is the Center for Contemporary Arts (CCA) in Santa Fe. Important activities funded by the NEA through CCA include the operation of the teen project in Santa Fe, the only arts facility initiated by an art museum and totally devoted to teens in the country. The teen project provides a safe environment for teens from all backgrounds to explore any and all forms of art. CCA also runs a variety of other programs, including the Deep West Program. This program, which receives both Lila Wallace-Readers Digest fund and NEA present and commissioning support, allows an average of five companies a year to establish residency projects in various Deep West sites, which include rural communities as well as Indian pueblos. The NEA funding has been instrumental in that it has enabled CCA to leverage private money for this project at a 6-to-1 ratio.

In addition to these activities, CCA also sponsors a variety of visual arts exhibitions and lectures. For example, CCA sponsored Richard Long's

Mexico and Colorado, 1993" exhibit, which included art highlighting his walking tour along the Rio Grande, as well as a lecture by Leo Castelli on the art of Roy Lichtenstein. Many of the projects sponsored by CCA bring to the community prominent Hispanic American, South American, and native American artists. These projects are especially important in a community like Santa Fe, where people of diverse cultural backgrounds strive to live harmoniously in one community. In 1993, CCA received \$80,000 in NEA visual arts and presenting and commissioning funding, which supported the full spectrum of CCA's activities.

Another organization receiving NEA funding for 1993 was the Western States Arts Federation, or WESTAF. WESTAF serves a total of 13 States in the West, including New Mexico. In New Mexico, NEA presenting and commissioning funding helped bring a variety of tours to our schools, many of which have had to scale back their own arts education activities. For instance, WESTAF teamed with the New Mexico Very Special Arts Program to fund a Dance on Tour Program in New Mexico. In places like Roswell, NM, elementary students were given a chance to explore dance as a forum of communication and art. Without programs like this, many students would have very limited access to art. Mr. President, it exactly this sort of programming that is jeopardized by the targeted cuts to NEA funding proposed in the committee-reported bill. WESTAF, for example, received \$190,000 in presenting and commissioning grants to support programs like this one throughout the West in fiscal year 1993.

Mr. President, I chose to talk about these projects today not only because they represent a variety of excellent projects and individuals funded by the NEA. I also chose to discuss them because each of these grants would have been jeopardized by the targeted cuts proposed in the committee-reported Interior appropriations bill before us or by efforts to end individual grants.

In New Mexico, the targeted cuts would have been devastating. In all likelihood, some of the projects I just mentioned would not have been funded. It is impossible to tell. At best, however, if we assume that each of these projects's funding had been cut at the same level as the NEA program funding them, funding in New Mexico would have dropped by \$159,325 dollars. In a State where our total NEA State formula funding was only \$472,000, these cuts would have been disastrous.

I should mention, Mr. President, that although our NEA State formula grant is rather small, the New Mexico Arts Division works wonders with it. Grants from the National Endowment to the Arts Division have helped provide significant support for arts organizations, culturally diverse arts projects, and folk arts programs. The arts division has also funded local arts councils, rural and culturally underserved areas,

folk arts apprenticeships, and training for presenters of dance companies in rural communities throughout New Mexico.

As I have said in the past, New Mexico is a State known for its arts. Without the NEA, however, art would not be accessible to many New Mexicans. Many would therefore not have access to the ideas communicated by art, to the education and community building facilitated by art, or to the simple pleasures derived from attending a dance performance, hearing a chamber orchestra, or viewing an art exhibit. In many ways, the true value of a society is judged by the diversity and quality of its art. I urge that we not turn our backs on our responsibility to ensure that art continues to flourish in our Nation.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the present amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 237

(Purpose: To restore funding to the National Endowment for the Arts)

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. JEFFORDS), for himself, Mr. PELL, Mr. DURENBERGER, Mr. METZENBAUM, and Mr. DODD, proposes an amendment numbered 237.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 81, line 7, strike "\$133,903,000" and insert "\$140,950,000".

On page 81, line 16, strike "\$27,693,000" and insert "\$29,150,000".

On page 81, line 18, strike "\$12,113,000" and insert "\$12,750,000".

On page 89, between lines 13 and 14, insert the following new section:

SEC. 312. Each amount appropriated under this Act is reduced by the uniform percentage necessary to offset the total appropriations under this Act by \$8,505,000.

Mr. JEFFORDS. Mr. President, I am going to raise the issue with this amendment of exactly what is in the bill, No. 1, of which I have deep concern. However, I also am hopeful that the House version will eventually prevail. Second, it is related to the whole concept of problems that we are dealing with in those situations, as referred to by the Senator from North Carolina, that we have had and have with the Endowment over the years.

First of all, my amendment would, instead of the cuts of 40 percent to specific very important parts of the bill, it would restore funding to the NEA, and specifically to those programs which the bill cuts—those probably that are most important to the States—having to do with challenge grants and grants for theaters, for example. Cutting these

programs grieves me deeply. In fact, programs in the NEA are the best programs we have for our schools and elsewhere.

I also want to relate it to the amendment by the Senator from North Carolina, because I think the misunderstanding of what has happened at the Endowment, and how you can come up with such situations as referred to by the Senator from North Carolina, make it important that we understand what we are dealing with. We have had these concerns over and over again, year after year.

I want to first put in perspective what we are talking about in terms of the years of the Endowment, many, many years now, 30 years or so. There have only been 10 instances out of 100,000 such grants where any question has been raised about the kind of problems that have been referred to by the Senator from North Carolina. That is less than about one-one-hundredth of 1 percent.

Take into consideration the tremendous good that has occurred because of the NEA and realize that it has such an excellent record. In fact, it is a record which is getting better all the time. That is No. 1.

Now, second, I want to go into this again—I am sure this has been done prior to my speaking today—about the particular instance with which we are involved here.

One way we always get the headlines is for someone to do something which raises the attention of the public by things which may be very disturbing and in some cases, disgusting to the general public. We then find there is this incredible imagination by some who attempt to attribute it to the National Endowment for the Arts.

Let me refer you to last year when the Senator from North Carolina was raising questions about art. When all was said and done, the particular photographs in that case to which he was referring, were not produced with an Endowment grant. Rather, the artist who created those photographs was a previous recipient of an NEA grant, and probably would be again.

So the stretch by the Senator from North Carolina was to say that those who were reviewing new grant applications should have known that the artist took those photographs and, therefore, should be denied a grant because he did something, not with NEA money, but he did something which some would consider offensive. Therefore, they should not give him another grant because he might somehow again do something considered offensive.

If one takes that particular approach to things, one can imagine that any time anybody did anything out of the ordinary in their life, they would not be allowed to get an Endowment grant.

(At the request of Mr. MITCHELL, the following statement was ordered to be printed at this point in the RECORD:)

• Mr. METZENBAUM. Mr. President, I strongly support this amendment to re-



store the funds for the National Endowment for the Arts which were cut by the Appropriations Committee.

The bill as reported by the committee would cut the endowment by 5 percent. This would reduce the NEA's budget to \$161.6 million—a lower funding level than the agency received a decade ago in 1984.

Moreover, the cuts are focused on four endowment programs, apparently on the grounds that these programs have been the sources of so-called controversial grants.

One of these is the endowment's Theater Program—which would be cut by a whopping 42 percent. In other words, nearly half of all theater grants will have to be eliminated next year.

In my own State, grants to the Ensemble Theater of Cincinnati, the Great Lakes Theater Festival, the Cincinnati Playhouse, the Mad River Theater Works, the Cleveland Playhouse, and other fine theaters throughout Ohio would all be jeopardized if these cuts go through.

Theaters in virtually every State will lose out, including community theaters in rural areas and in inner cities.

The bill would also drastically cut the Endowment's Visual Arts Program by almost 42 percent. How are we going to have a National Endowment for the Arts without a theater or a visual arts program?

The visual arts program provides vital support to museums and cultural institutions, artists, community art projects, and education programs across the Nation.

In my own State the program has recently provided funds for a number of fine institutions, as well as for a very interesting program featuring Ohio designer craftsmen.

The presenting and commissioning program would also be slated for a huge cut of over 40 percent. In Ohio, this will mean less support for some wonderful tours and festivals. Endowment presenting and commissioning funds have recently funded, for example, performances by the National Theater of the Deaf, as well as an Ohio tour by the Ballet Hispanico.

Mr. President, the Senate unanimously confirmed Jane Alexander 9 months ago. Since that time she has held town meetings in more than 30 States. She is talking to the people. She is finding out what kind of art people want. She is committed to bringing only the best art to the most people.

Yet here she is 9 months later, facing attacks on her agency and a budget cut of \$8.5 million. And all this is apparently in response to a performance that cost \$150—and was not even approved on her watch.

Jane Alexander did not approve that grant to the Walker Art Center, Mr. President. It was approved by the former administration.

I have read Ms. Alexander's response to concerns raised about the Walker performance. I believe she is trying to be honest and responsive.

What is clear is that she is making every effort to make the Endowment accountable to the taxpayers. She has taken steps to tighten up reporting requirements by grant recipients. She has prohibited grantees from changing projects without advance approval from the Endowment.

She is doing a good job. She has been there only 9 months. I believe she deserves a chance to move her program forward.

Mr. President, unfortunately what's happening to Ms. Alexander is what seems to happen every year around appropriations time. Opponents of Federal funding for the arts find some controversial grant which they can use to beat up on the Endowment and further their own political ends. It's a cheap, cynical hit.

It's just not right that one controversial grant should be allowed to overshadow the enormous contributions which the endowment makes to the cultural life of our Nation—bringing theater, dance, symphonies, public television shows and great works of art to millions of Americans in their own communities.

And let there be no misunderstanding. This budget cut will be devastating. It is going to hit every State in the country. Theaters, symphonies, dance companies, education programs, concert halls and museums in every State are going to be hurt.

Mr. President, an excellent article by Harry Belafonte which recently appeared in the Washington Post points out exactly what will be lost if we impose these severe cuts on the Endowment. I ask unanimous consent that the article entitled "Don't Cut the Arts Fund" appear in the RECORD at the conclusion of my remarks.

From his perspective as a renowned American artist, Mr. Belafonte talks movingly about how Government help opened a whole new world for him and many others and the ways in which the arts can help bridge the differences among people and provide positive outlets for our young people. He says, "for 29 years the national Endowment for the Arts has helped young generations of American citizens find and nurture their creative muses. Can we as a Nation turn the clock back?"

I believe the answer to his question must be a resounding "No." I urge my colleagues to support this amendment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 15, 1994]

DON'T CUT THE ARTS FUND—GOVERNMENT HELP OPENED A NEW WORLD FOR ME—AND MANY OTHERS.

(By Harry Belafonte)

Many of our distinguished elected representatives are perilously close to being hijacked by a point of view that most Americans don't share: the termination of federal support for the arts. The coming Senate vote on appropriations for the National Endowment for the Arts can already be viewed as a

clear victory for those who have never wanted the federal government involved in supporting art and culture. They have succeeded in reducing the issue of NEA appropriation to a debate on single issue: Should the federal government support only "decent" art?

The Senate Appropriations Committee, headed by Robert C. Byrd, has allowed the enemies of the NEA to trot out their most recent example of art that strains or offends mainstream sensibilities and to use the minuscule financial role the NEA played in its presentation as a litmus test for support of the entire agency. The committee voted to cut the arts endowment's budget by \$8.5 million, a 5 percent reduction, because some members objected to a performance that occurred at the Walker Art Center in Minneapolis, which the NEA indirectly supported with \$150.

That performer and his performance are not the issue here. The issue is that responsible and level-headed elected officials have swallowed the hook baited by Sen. Jesse Helms, which seeks to create controversy from the work of a few contemporary artists while ignoring the enormous public benefit the agency creates and stimulates. Lost in the scramble for this righteous political high ground is the fact that cultural organizations—both large and small, and in every region of the country—have benefited from the support provided by the arts endowment.

It is a recognized fact that groups affiliated with Sen. Helms, which oppose federal support of the arts, conduct active research on any and all NEA-supported projects that might be elevated to the status of the "controversy of the month." They often distort the content or context of the performance of art work and use each "incident" effectively in direct-mail fund-raising efforts for their organizations. This well-organized campaign has succeeded in drawing the media's attention to the periodic controversies. The net result is that the positive NEA work has been eclipsed by the controversies.

As one who has performed across the land I can tell you that our country and our youth need more of what the arts have to offer. When performers like Anna Deaver Smith created great theater works out of the racial acrimony she found in Williamsburg, Brooklyn and Los Angeles, the endowment was there lending financial support. Smith's performances have helped communities that are racially polarized bridge some of their differences.

This is one of the great attributes of the arts—the ability to transcend boundaries and reduce differences. Few people in this country knew anything about the Caribbean until they started singing "The Banana Boat Song." As an artist, I put America in touch with its neighbor, and I put people in the Caribbean in touch with America, and in doing this helped to stimulate an exchange that was beneficial to both.

When I see thousands of young people participating in NEA-supported dance, theater and arts workshops around the country, I know that they are being given tools that help them resist the violence and drug scourge that permeates many of their communities. My principal frustration is in recognizing that as a society, we are not reaching enough of our youth with these positive programs.

In the 1950s, after being exposed to the work of the American Negro Theater in Harlem, I decided to pursue a life in the theater. Because I was a veteran, I had rights to the GI Bill. It meant that the federal government would pay for this luxury of going to school of drama to do this thing that had opened my heart and opened my mind.

I went to the New School of Social Research, and in that class I looked upon the

faces of a number of young men and women, most of whom were being supported by the government because they were returning veterans. In my class were Marion Brando and Rod Steiger, Walter Matthau, Bea Arthur and Tony Curtis. And the head of the school took this (then) boy who was struggling with an ability to read, trying to overcome dyslexia, having an enormous appetite to know more, and exposed him to Jean Paul Sartre, to Shakespeare and to Tennessee Williams, Steinbeck and Langston Hughes.

By the end of my course of study, I had come to know that there was nothing more inspiring than art, nothing more moving than words, nothing more powerful than an individual who is in the service of all of that. For 29 years the National Endowment for the Arts has helped younger generations of American citizens find and nurture their creative muses. Can we as a nation turn the clock back?

Mr. JEFFORDS. Mr. President, today we are considering funding for the National Endowment for the Arts (NEA), a modest agency by budgetary standards, but large in terms of its effect on the lives of Americans. The NEA was created in 1965, as a result of the efforts and vision of my colleague from Rhode Island, Senator PELL. Since that time, the NEA has provided in the neighborhood of 100,000 grants to artists, theaters, dance companies, and State and local arts agencies. The contributions of the arts have reached into every corner of this Nation, from the most destitute inner city, to the most remote rural area.

Despite the wonderful work of the NEA, every year the Agency comes under attack from certain segments of our society, who focus on one or two objectionable grants. The NEA brings art and culture to parts of our Nation that, without Federal support, would otherwise do without. In my mind, this is one of the most important missions of the NEA. The arts are not a frill, they are a fundamental part of our society.

The controversy that surrounds these few grants always spills onto the floors of the Senate and House of Representatives and masks what the NEA is really about. This is an unfortunate situation because only 10 of the 100,000 grants given by the NEA have been controversial, according to the agency. That is one one-hundredth of 1 percent, Mr. President.

However, because of these controversies, the bill before us cuts the NEA's budget by 5 percent, or \$8.5 million, reducing total appropriations for the program to \$161.6 million. But these cuts are not across the board. They target four selected programs of the NEA: Theater, presenting and commissioning, visual arts, and challenge grants. The theater, presenting and commissioning, and visual arts would be cut by a whopping 40 percent each. Reductions of that magnitude will essentially decimate those programs. That is the effect of a 5-percent cut of the total appropriations level targeting only four programs.

Mr. President, I think these cuts are far too drastic. The NEA has suffered

major funding cuts over the last few years, cuts which have severely hampered the Agency's effectiveness to bring the arts to all Americans. As many of my colleagues know, I have long fought against cuts to the NEA because I strongly believe its activities have enriched America.

Today I am proposing an amendment, along with Senators PELL, DURENBERGER, METZENBAUM, and AKAKA to restore NEA funding to the President's budget request and last year's level. This means restoring the cut proposed in the chairman's mark, or about six one-hundredths of 1 percent of the total spending in this bill. To offset the restoration, every program in the bill will face an equal cut of approximately six one-hundredths of 1 percent, including the NEA.

The committee recommendation for the Interior appropriations bill before us is just over \$13 billion. The share of that proposed for the NEA is \$161.6 million or 1.2 percent. That is lower than the President's budget request and fiscal year 1994 appropriations. In nominal numbers, this figure is less than Congress appropriated for the NEA in fiscal year 1984. Taking inflation into account, it is even lower. Since 1992 alone, the NEA's funding has decreased by over \$5 million.

I offer this amendment today as a staunch, steadfast supporter of the National Endowment for the Arts. The arts means so much to so many in this country. They are important to Americans in the same way as national parks are important to Americans. To direct a 5-percent cut to the NEA fails to recognize this.

In my mind, this is one area where I think the cuts go too far. What bothers me more than the overall 5-percent cut is the targeting or earmarking of the cuts to certain programs.

Where would the cuts hit if the current language were enacted? The Presenting and Commissioning Program, formerly called Inter-Arts, faces a 40.5-percent cut. The program helps institutions that serve multiple artistic disciplines: presenting organizations, artists' communities, and presenter service organizations. It focuses on presenting the performing arts and commissioning new work.

The Theater Program encourages the advancement of theater arts. It supports performances, assists professional theater programs in single projects and entire seasons, as well as individual artists. In the chairman's mark, theater faces a 42-percent cut.

Visual arts funds the creation of new work by artists and supports presenting these works in wide varieties of media including sculpture, painting, and crafts. It faces a 41.7-percent cut.

The Challenge Program supports, and stimulates private support, of the best quality programs aimed at advancing artistic excellence in the arts. It helps secure long term financial stabilization of arts organizations. Grants are essentially venture capital, underwriting

significant projects. Challenge grants, which must be matched 3 to 1, face a 5-percent cut.

Presenting and commissioning has been a fundamental part of the support of the arts in my State. The Flynn Theater in Burlington would be the hardest hit. For fiscal year 1995, the Flynn will receive a \$250,000 challenge grant out of presenting and commissioning. A 40-percent cut would devastate much of what the Flynn brings to Vermonters including extensive residencies and performances by nationally renowned dance companies, a family theatre series, a nationally recognized student matinee series, and the annual Discover Jazz Festival. It uses the funds to do community outreach and participation and programs for at-risk youth. The Flynn forms model arts partnerships with schools, including schools in rural and low-income city areas like the Barnes and Wheeler schools in the old north end of Burlington. The money the Flynn Theater receives from the NEA has made a significant difference in the Burlington area; in its schools, and in its vibrant downtown—socially, culturally, and economically.

Indeed, the effects of presenting and commissioning are felt all over Vermont. Many other arts organizations in Vermont rely on small grants of \$5,000 to \$10,000. For example, Catamount Film and Arts in the Northeast Kingdom uses NEA money to bring the arts to those who have never been exposed to a live theater or dance performance. The Mawry Dance Co. of New Zealand, the Japan Festival, and a vibrant series of family programming have been enjoyed by the people of this most rural area of my State because of support from the NEA.

The Onion River Arts Council in Montpelier uses presenting money to bring the Ying Quartet into local schools, and the National Theater of the Deaf and various concert series to central Vermont.

The Vermont Folklife Center is using a \$250,000 challenge grant to preserve and present the traditional arts of Vermont through exhibitions, radio programs, and film tours. Among the projects is one of special interest to me. A radio show titled, "Life in Vermont: The General Store" aired on National Public Radio's series, "Horizons." This program featured Pierce's General Store, just up the road from my home in Shrewsbury. The store, a true Vermont landmark which closed earlier this year, was arguably one of the oldest country stores in my State. It was truly characteristic of life in Vermont.

These directed cuts will hurt my State. But that is not the only reason I am offering this amendment. These cuts will hurt the arts in the country as a whole. It will reduce the money that local arts agencies will have to bring nationally known performances to their communities. It will hamper their ability to leverage private sup-

port for the arts. It will hurt our Nation's schools, of which the arts should be an integral part. The dollars provided by these programs are, like all other NEA money, critical seed money which leverages substantial private support.

In that respect, the arts mean business. According to the National Association of Local Arts Agencies, nonprofit arts activities, stimulated by the NEA, have a \$36.8 billion impact on our national economy, generating \$3.4 billion in Federal tax revenues. It seems to me that those revenues more than pay for the \$170 million we provide for the NEA.

Mr. President, when contemplating the proposed cuts, I wonder who would really bear the brunt of them. It would undoubtedly be smaller arts organizations that bring the arts to less visible places, including rural schools. This troubles me, for the arts should be a part of everyone's lives, not just those in larger cities and suburban areas.

I am also troubled by a possible reasoning for the cuts. It seems that the cuts are directed to NEA programs which have recently given out grants which have stirred controversy, one of which involved the Walker Art Center in Minneapolis which hosted a performance by an HIV-positive artist.

Granted many of us believe that the work was distasteful. However, I find it totally unbelievable that we are proposing to gut an entire program—indeed more than one—because of this performance which has grabbed headlines around the country. Should we be punishing artists, arts organizations, and millions of schoolchildren and art-loving Americans because of a performance a few did not like, or considered offensive? What kind of standard will we be setting if we slice a huge chunk out of a well-performing program because of one grant?

Mr. President, the NEA has responsibility to fulfill its statutory obligations and base funding decisions on artistic excellence and artistic merit. It is doing that. But what needs to be made known here is that the decision to host the performance at the Walker was a local one. It was a decision made by the Walker Arts Center, and not by the Arts Endowment. Above all, I strongly believe—let me reiterate—strongly believe—that it is not for us, as elected officials, to determine what is obscene or not obscene. That is to be decided in a court of law of the United States. Congress went through this whole censorship-obscenity debate a few years ago and I think we struck a reasonable compromise then. Why must we revisit this same issue year in and year out? To satisfy a small political constituency?

Mr. President, I think the NEA is adequately responding to criticisms it has received in recent times. In her first year on the job, Jane Alexander has instituted many changes in process and procedure with regard to grants. According to the Agency, grantee re-

porting requirements have been changed. New procedures exist for consideration of project changes. The advisory panel process is being reviewed. Changes are being made in the leadership of the various programs. The Agency's program structure and operation are under review. In other words, Mr. President, Jane Alexander is making grantees more accountable for their work and more often. This, in turn, is making the Agency more accountable to the American people. I do not think many envy the difficult job she has, but I think she is doing a fantastic job as chairman, working to promote the Agency, and bring the best art to the most people.

We should allow her to do her job. We should resist attempts to change the operating structure of the Agency. We should not be suggesting content restrictions, limiting grants to individuals, or drastically altering program funding allocations. Many of these efforts are being promoted by a small, politically active segment of our population.

Despite what its critics say, the NEA has been an important force in the cultural life of America. The American people support it, and Congress has repeatedly echoed that support.

That is why it bothers me to see the Agency come under attack. The critics select an NEA grant they find objectionable, or a performance supported with NEA money decided on the local level, or even some work performed by an artist who may have previously been a grant recipient. In fact, they often choose things that were not even funded by the NEA. The critics barrage the press and Capitol Hill with information whose truth is questionable. The grant or performance becomes the center of their annual fundraising campaign to undermine the NEA and the work it does. Then every kind of argument is made about obscenity, family values, Federal subsidies to the wealthy, or handouts to artists. Mr. President, this is the farthest from the truth.

I do admit that there are things funded by the NEA which I do not like. But it is not my job, nor that of any Member of the Senate, to approve of everything the NEA funds, nor to oversee every decision made at the local level. The NEA has funding guidelines and procedures, which Jane Alexander is sticking to and improving. We are not here to be the Agency's big brother, art critic, judge, or supreme panel. Regrettably, that seems to be what the annual appropriations process is becoming.

This year is no different. The NEA is facing targeted cuts in programs which have funded objectionable art in past years. It is a shame that the U.S. Senate is prepared to pass judgement on an entire NEA program because of maybe one or two grants out of that program. Are we so blind as to not see what the NEA is really about?

Mr. President, I realize that many of my colleagues may have concerns

about my amendment for one reason another. Nevertheless, I am offering because I believe in the work of the NEA, that it is valuable, meritorious and worthy of Federal support. If on the arts touched more Americans maybe our country would be a better place with less crime, fewer drugs, and more self-esteem. As founder and vice chair of the congressional arts caucus I see the effects the arts have on children around the country with our annual art competition. Those children strengthen my belief in the arts, and the work of the NEA. I urge my colleagues to reject further cuts to the NEA, and support my amendment.

Mr. AKAKA. Mr. President, I rise today in support of the National Endowment for the Arts (NEA). Founded in 1965, NEA has greatly contributed to the cultivation and restoration of our Nation's cultural treasures. For nearly three decades, NEA has successfully created greater access to the arts for millions of Americans, enriched the lives of our young people, stimulated private contributions to the arts, and preserved our treasured cultural traditions. This tiny agency has had a profound impact on the quality of cultural and arts activities in America.

The Endowment has awarded over 100,000 grants—grants that have led to a virtual cultural renaissance in America. Thanks to NEA support, the arts have grown beyond the major metropolitan hubs into rural towns and communities throughout our Nation. As a result, not only can such arts groups as the Hawaii Opera Theater and the Honolulu Academy of Arts thrive in small States like Hawaii, but arts organizations are also provided with resources to tour less populated areas.

Since the Endowment's creation, the number of symphony orchestras has doubled, the number of opera and dance companies has grown exponentially, and where there were only five State arts agencies 29 years ago, today every State has one. The Endowment has brought the arts closer to our citizens, making the best of our culture available to more and more Americans. The Federal-State government funding partnership has supported arts events that were attended by over 335 million people over the past 5 years.

Endowment grants also help bring the arts into the lives of our young people. The NEA supports after-school arts programming for at-risk youth, providing them with creative outlets for self-expression. It assists professional groups, such as the Honolulu Theater for Youth, and funds models to 12 curricula with the goal of integrating the arts in schools in every State in America. Working through State arts agencies, the Endowment helps provide arts education to close to 20 million students each year.

Because of its matching requirements—that each Federal dollar to an organization be matched with at least one non-Federal dollar—grants from the National Endowment for the

have had an impact far beyond their face value. This modest support from the Federal Government helps symphonies, museums, and theaters leverage private support many times more than the required match. In 1992, for example, Endowment grants totaling \$123 million helped leverage private funding for arts activities worth some \$1.37 billion. How many other Federal agencies can give us that kind of return on the Federal dollar?

Mr. President, the arts help define us as a nation, and NEA has been absolutely vital in helping to preserve our diverse cultural traditions. In Hawaii, the NEA supports the Waiānae Coast Culture and Arts Society, whose workshops in traditional crafts, dance, and music perpetuate many of the ethnic cultures and art forms of our multicultural community. Over the years, the Endowment has also awarded several of its prestigious National Heritage Fellowships to Hawaii artists—hula masters, lei makers, and singers among them—those who preserve and pass on our unique cultural legacy.

Mr. President, of all of our Nation's greatest natural resources, none is more impressive and bountiful than the creativity and imagination of our people. The National Endowment for the Arts has helped to tap this creativity. It has made our Nation a leader in the realm of ideas and of the spirit. It is an agency that has made America a richer and better place for people. It deserves our support.

Mr. JEFFORDS. At this point, Mr. President, I will yield to the Senator from Connecticut for the purposes of making his statement. I know he has another engagement.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me thank my colleague from Vermont. I am due in a conference on the Banking Committee. So I apologize for interrupting his comments.

Mr. President, let me begin by stating the obvious to my colleagues. That is, the distinguished chairman of the Appropriations Committee, the Senator from West Virginia, does not only understand the arts, but I believe he may be appropriately called one of the only artists in this body. As someone who has contributed significantly to the history of this institution in his volumes on the history of the Senate, with his ability to recite voluminous poems, a great student of history and, I would say, an accomplished fiddler, I would really categorize him as a performing artist. In fact, his works have been recorded.

So, there is an important note to be made here that the chairman of the Appropriations Committee has a long-standing personal involvement in the arts, not just as a member of the audience so to speak, but as one who has performed and participated and who has a deep appreciation for the values that art provides this Nation.

I have often felt that the art of a generation is like the signature of a generation. Historians, when they look at times past, very frequently look to the art of a particular time as a way of trying to determine the personality of a generation. Very often the music, the painting, or the poetry of the period will tell you more about a people than a series of events.

So art is about more than just providing a contemporaneous sense of satisfaction and enjoyment to its audience but it also provides a valuable historical lesson for future generations—who we were as a people, what we believed in, what we felt, how we expressed our emotions, and what we enjoyed.

The distinguished Senator from West Virginia is someone who is certainly, in my view, considered probably the finest historian, certainly in this century, to ever serve in this body. I am proud to be a Member of the U.S. Senate at a time when Robert BYRD of West Virginia is also a Member. And I know he shares my recognition of the importance of the arts.

So my remarks about the NEA today merely reflect a general concern about the importance of art while simultaneously trying to put it into a context of what it means not just in a cultural sense but an economic sense as well.

Mr. President, I support the amendment of the Senator from Vermont, and I hope that at some later point some accommodation may be reached in all of this. But I want to share some thoughts on the importance of the National Endowment and the programs it sponsors in our country. Perhaps if we were all more aware of the tremendous depth and breath of the National Endowment, we might arrive at different conclusions about the Endowment's activities.

The Interior appropriations bill before us today would target three specific NEA programs for substantial reductions: The theater, visual arts, and presenting and commissioning programs. Each of these three programs would experience a de facto cut of something in the neighborhood of 40 percent. I would argue, Mr. President, that such a level of cuts would be devastating. It would decimate the NEA budget in these vital areas.

I ask my colleagues to look at these programs, and examine their complete record, and not just a few well-publicized—and rightfully so—controversies, before supporting cuts of this magnitude.

Let us look, if we could, at the record for a moment. The NEA theater, visual arts, and presenting and commissioning programs support cultural institutions across this great country, such as theaters, museums, dance companies, jazz ensembles and chamber music groups. With the support of the NEA, grantees run local children's arts education programs, neighborhood arts centers, at-risk youth programs and cultural festivals.

A few specific examples, if I can.

The Children's Theatre Company in Minneapolis, which tours to audiences of schoolchildren throughout the Midwest; the Arkansas Repertory Theatre, which tours the rural South; New York's Shakespeare Festival, which include Shakespeare in the Park, free Shakespeare for thousands of people in that city; Seattle's International Children's Festival; Sun City, Arizona's Chamber Music Society, which performs for the elderly and in schools; the Homer Council on the Arts in Homer, AK, which serves a community of 3,000 people; Detroit's Focus's Billboard Program, which has developed antidrug messages near schools.

In my home State of Connecticut, NEA grants from these programs support many high-quality artistic institutions, such as the Longwharf Theater, the Goodspeed Opera House, the National Theater for the Deaf, the Hartford Stage, the Eugene O'Neill Memorial Theater, and Real Art Ways.

In fact, Mr. President, we are deeply proud that in my small State of Connecticut there are more theaters than in any other State in the United States and that accomplishment is due in no small part to the support of the NEA.

Let me assure my colleagues that these Connecticut institutions are not hotbeds of controversy. Their work is profoundly impressive and popularly acclaimed.

For 30 years the Eugene O'Neill Theater has presented only the highest quality theater to audiences. I might point out that, just this past weekend, the Eugene O'Neill Theater celebrated 30 years of effort in Waterford, CT. We were pleased to have with us on Saturday Jane Alexander present for those ceremonies.

The National Theater for the Deaf, which I know many of my colleagues are familiar with, has delighted audiences, young and old, with its marvelous work in English and American sign language. They performed in every State in the United States and dozens and dozens of foreign countries all across the globe. Some of my colleagues enjoyed, by the way, a performance of the National Theater in the U.S. Senate only a few weeks ago. Some 17 Members came to watch the National Theater for the Deaf perform "The Giving Tree" while the group was here in Washington.

In addition to its professional performances, the Longwharf Theatre of New Haven has done special presentations for students from across my State and the country.

Real Art Ways, which received a \$20,000 visual arts grant from the NEA, works with the Connecticut Redevelopment Authority on a cultural festival in a gang-scarred, inner-city Puerto Rican neighborhood in Hartford.

The Artists Collective of Hartford received \$5,000 from the presenting and commissioning program to support events such as a "Jazz in the Foyer" series and a performance of the Jubilation Dance Co.



These are not controversial activities—and yet, more than any other examples you have heard about in this debate, they are representative of the work of these NEA programs.

If the proposed cuts remain, Mr. President, my concern is that these institutions and others like them could lose nearly half their Federal funding, all because of a controversy involving a single performance, and \$150 in Federal dollars, in one theater in the Midwest.

I do not believe that is balance, Mr. President. I believe it is disproportionate to the incident that has created so much controversy.

I would point out, Mr. President, that, in addition to the funding of the artists and so forth, there are many people who are not directly involved in art who also benefit—the people in food services, the groundskeepers, the people that work around these theaters who are not artists and performers. It is estimated the NEA's budget of approximately \$170 million generates billions in economic activity each year. So, in addition to the resources that go to these groups and audiences they reach, there are people's jobs involved, as well.

The record as a whole is what we have to consider here. That is what we have done when other Federal dollars have gone astray.

Certainly, Tailhook was an example of a misuse of funds in many ways, and yet we did not cut the defense budget because of that particular incident.

Have we cut the Energy Department because they have unearthed evidence of nuclear testing on American citizens in decades past? It is terrible, it never should have happened, but we were not disproportional, in my view, in dealing with the Energy budget.

Will we cut the Post Office budget, because of delays in mail delivery in the Washington area?

Will we cut further in the Defense budget because the military stores carry Playboy magazine, for instance? Again, something presumably many of my colleagues may not support, but nonetheless we have a sense of proportion about it.

This appropriations bill adopts a higher punitive approach we have not taken in the past and which we must carefully consider and, I believe, reconsider, today.

I think Jane Alexander is doing a spectacular job as the head of the NEA. I know she has made a significant effort to meet with many Members of this body and the other body as well, trying to come up with ideas and ways in which we avoid the kind of controversy that is the subject of this debate. I believe she should be given the chance to do that. She has been on the job a little less than a year, trying to straighten out some problem areas and working with us and others across the country to reinvigorate the arts.

While today's is an important debate, I remain very interested in the larger

questions of how we could best support arts in this country.

We know that arts contribute, as I said, to the overall economy of our country. Yet, funding for this most vibrant sector continues to decline, as my colleagues know. I believe we cannot allow this trend to continue.

I also know that Federal dollars are limited—we all understand that—and that a substantial new commitment to the arts in our current system is unlikely.

I, therefore, believe, Mr. President, we should identify some new resources to reinvigorate the arts and humanities all across this country. And while I will not go into any great length in this debate this afternoon, I intend shortly to introduce legislation to renew our commitment to the arts through a new revenue source.

My legislation would call for copyright protection to be extended, with the rights to the extension period to be auctioned off by the Federal Government. The revenue from the auction would flow into a trust fund for the National Endowment for the Arts and the National Endowment for the Humanities.

In this way, the arts of today would serve as a foundation for the arts of tomorrow, and depend less upon an appropriation process; although I certainly want us to continue that for the obvious reasons, including a debate such as we are having here today. However, my proposal is for a different day.

Today's debate is a question of whether or not, in our desire to deal with legitimate concerns that have been raised by those who are offended by specific arts programs or a particular production, we will disproportionately penalize a very fine and worthwhile program that reaches literally millions and millions of people every year in our country. I believe, instead, we should examine the overwhelming record of the NEA and of these programs and applaud this work.

I hope, as we look at this budget and consider the concerns we have, that we would not do a disservice to the literally millions of people who depend upon the NEA for these programs and for the enjoyment that comes to millions more and, as I said at the opening of these remarks, impair our ability to leave a clear signature of our generation and our time.

For those reasons, Mr. President, I support the amendment of my colleague from Vermont. I am hopeful that some accommodation would be reached here so that it will not be necessary to go as far as the language in the present bill would take us.

With that, I commend the Senator from Vermont, as well, for his leadership on this issue.

Mr. DURENBERGER addressed the Chair.

THE PRESIDING OFFICER (Mr. KOHL). The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise in support of the amendment of-

fered by my distinguished colleague from Vermont. I compliment him, and others who are supportive of it, on the content of this amendment.

I compliment the sensitivity of our colleague from West Virginia for the way in which this issue is going to have to be dealt with, given the environment in which we are operating.

But I also intend to oppose any other amendments that may be offered, including the one from our colleague from North Carolina to further cut NEA appropriations, change funding formulas, or to have politicians, either elected or unelected, regulate the content of NEA-funded art.

Mr. President, I enter this debate as one who has been, for a long time before I came to this body, a strong supporter of private and public funding for the arts, of the National Endowment for the Arts, and of the arts community in my own home State of Minnesota.

Because of that long association, I am especially troubled that a single arts performance at one of my State's most highly respected arts institutions seems to have sparked this latest round of controversy.

But, for the sake of candor, let me say, Mr. President, also that I have enough experience on this issue and on this floor to know that this amendment and others like it that have less to do with the Walker Arts Center—or any single performance—than with fundamental differences over whether and how the Federal Government should be funding the arts.

In fact, I walked in the back door of the Chamber about a half hour ago and sat down in someone else's seat to hear my colleague from North Carolina sort of prejudice what I was going to say in my statement because of my past positions with regard to the National Endowment for the Arts.

At the time that happened, I did not even know he had offered an amendment. So, Mr. President, we have been here before, and if it were not the Walker, it would be something else.

I suspect that if this particular performance had not occurred or had not been widely reported, there would be some other NEA-sponsored performance or work of art that would be the subject that we would be using to generate these amendments in this debate.

Mr. President, I have read the press accounts of the controversial arts performance that was held earlier this year in Minneapolis. I talked to a lot of people on both sides of the controversy at the NEA, at the Walker, and among my constituents who both defend what took place and who may not have been there but who were deeply offended by what they heard about it and what took place.

I make that qualification, Mr. President, because this particular performance has received great attention, not so much by the event itself—which was attended by only 100 people—but by highly inflammatory reporting of the

event in Minnesota's largest daily newspaper some 3 weeks after the performance.

My friend and colleague from Oklahoma has already put in the RECORD a typical defensive statement by a reporter. And I have seen hundreds of these. If I ever complained about anything in the Star and Tribune, which I have done on more than one occasion, it is my receiving three-page letters just like this condemning me for my remarks.

So I am not surprised that Chairman Jane Alexander got this kind of a letter from this reporter.

Let me acknowledge that I do not enter this debate to defend or to criticize the artistic value of any single performance, artist, or work of art. I am just not qualified to do that. That is one of the reasons I am supporting the amendment by my colleague from Vermont. I do not think it is part of my job. And therein lies the fundamental disagreement. Therein lies the underlying issue at the heart of this debate.

I support the NEA and public funding of the arts because of what it does to broaden access to the arts for millions of Americans.

And, I support the NEA because it helps recognize and reward quality, and helps to record and transmit to future generations the diverse culture of an increasingly diverse American society.

There is also no question, Mr. President, that I support the NEA because it is extremely important to Minnesota.

Its artists, arts performances and institutions have historically placed Minnesota among the top three State recipients of NEA grants.

So have the consumers in Minnesota, educators at all levels, employees and everyone by whom "community" is defined.

Minnesota has an outstanding State arts board that receives and distributes NEA grants. Minnesota has built a relationship between State public policy makers, public funding, and appropriate arts performers and performances and art works.

Minnesota is well known for some of the Nation's finest arts organizations—the Guthrie Theater, the Minnesota Orchestra, the St. Paul Chamber Orchestra, the Minneapolis Institute of Arts, and the Walker Art Center.

And, Minnesota is also home to hundreds of smaller theater groups, arts organizations and individual artists in communities all over our State.

In the past several years, for example, the Minnesota State Arts Board received an NEA grant for a folk arts apprenticeship program that has supported masters and apprentices in communities like Clearbrook, Atwater, and Redwood Falls. You probably have not heard of any of them.

The State Arts Board also received an arts in education grant to support artistic residency activities in 87 different communities all over the State.

And, again, with NEA funding, nationally known arts groups from Minnesota and other States have been able to perform in dozens of Minnesota communities from Blwabik and Aurora in the far north to Worthington and Blue Earth near the Iowa border in the far south.

So, I am troubled that once again the NEA as an institution is being questioned in a debate that is becoming increasingly polarized. Every year, it seems that several of us have to get up here to defend the 25-plus years of good work done by the NEA, simply because a handful of controversial grants have been called into question.

Once again, the focus of the controversy seems to be the role of the Federal Government in what essentially boils down to regulating the content of art.

I am sympathetic to the concerns of those who want to know how our scarce Federal funds are being spent and to those who find certain types of art offensive. But I will and I must continue to oppose any effort that would expand the Federal Government's role in regulating art content.

While the NEA grant making process is not perfect, it works. Compare the NEA's record with any other of those old Bill Proxmire Golden Fleece awards and the money gets spent pretty well. It is one of the best.

Without question, there will be times where certain artists, exhibits and performances will receive funding for art that some people do not like.

I want to remind my colleagues again, however, that this particular performance might not be the subject of national debate if Minnesota's largest daily newspaper had not decided to run a highly inflammatory article—written by a reporter who did not even attend the event—an article published 3 weeks after the event actually took place.

Let me make a careful distinction, Mr. President, between art that may not be universally appreciated and material that is pornographic or obscene.

Let me remind my colleagues that there is a legal process for defining what is and what is not pornographic or obscene—a process that is best left to the experience and the expertise of the courts.

And, there is also a policy I helped create several years ago that requires NEA supported artists who violate local or State obscenity or pornographic statutes to return their NEA grants.

I might have less confidence in these legal safeguards, Mr. President, if I had not taken the time to learn more about how funding decisions are made at the Walker and other institutions in Minnesota.

Hindsight is always 20-20. And, it is easy to be critical of performances like the one in question that are, admittedly, aimed at a small part of the artistic marketplace.

But, I also want to assure my colleagues that the Walker Art Center does not employ a process to select programs under which anything goes. Criteria are used, market interests are weighed, and many proposals are turned down.

The Walker Arts Center is one of our Nation's most esteemed museums. The Walker presents over 400 events each year, including some 140 performances.

This year, the Walker will serve over 700,000 people who attend a wide variety of events ranging from performances attended by small audiences in a number of different locations in the community to very large and well attended performances or exhibitions at the Walker's main facility near downtown Minneapolis.

Just 2 weeks ago, 2,500 people filled the Minneapolis Sculpture Garden—adjacent to the Walker—to participate in a free performance of West African music and dance.

Let me repeat, the Walker does not make light of its responsibility as a major cultural center. Decisions about which artists to present are based on both artistic merit and the interests of the diverse community it serves. A community that I am not sure is represented here.

Performances are chosen after careful consideration by seasoned professionals in their respective fields. And, choices are made after long and careful examination of the disciplines involved.

Criteria that the Walker uses in making these choices include the quality of intention and execution, innovation, point of the artist in his or her career, the impact the artist is having on the particular field, added value the performance will bring to the community and other factors that will create a balanced program throughout the entire year.

One indicator of the Walker's reputation is the fact that it organizes presentations that travel all over the world. Its national partners include the Museum of the Contemporary Art in Los Angeles, Museum of Modern Art in New York, the Brooklyn Academy of Music, and the Houston Grand Opera.

I think it is important to remember, Mr. President, that the event that has become the focus of this debate was attended by an audience of about 100 people.

The Walker sought to responsibly inform that audience in advance about the nature of the performance so that they could make their own decisions about its appropriateness.

And, recognizing its own educational mission, the Walker organized a post-performance discussion for the audience, the artist and his company. About 80 percent of the audience stayed to join in what became a vigorous dialogue about the performance and its meaning to those who watched.

For some, parallels with African blood rituals were noted. And, one of the Walker's cosponsors for this event



called parts of the performance "a metaphor for people suffering from AIDS."

I said just a moment ago, Mr. President, that I can understand that many individuals might be offended by what they read took place during this particular performance at the Walker. And, I can understand that they may now want to send a message that this type of performance has no business being funded by Federal taxpayers.

But, whatever our feelings might be about any individual work of art or performance, those feelings do not justify the kind of punitive action that would result from the Appropriations Committee recommendation now before us.

My personal preference is to fully restore the 5-percent cut that the committee has recommended.

And at the very least we should remove the targeting feature which result in the wholesale gutting of important parts of the NEA's mission.

Those cuts include a 42-percent reduction in the NEA's Theater Program—a 41.7-percent cut in visual arts.

Among the Minnesota arts organizations and institutions funded last year in these categories are the Cricket Theater, Children's Theater Company and School, Guthrie Theater, Intermedia Arts of Minnesota, Minnesota Opera Company, Illusion Theater and School, Red Eye Collaboration, Minnesota Center for Book Arts, Mixed Blood Theater Company, Playwrights' Center, Inc., Film in the Cities, Center for Arts Criticism, and many, many others, both large and small.

I cannot support a 40-percent cut in arts to these and other arts organizations—not just in Minnesota, but all over America.

That is a lot more than just sending a message. We should not be here trying to legislate or punish the content of art on the floor of the U.S. Senate. I strongly support the amendment offered by my colleague, Senator JEFFORDS, and I encourage my colleagues to do the same.

I yield the floor.

Mr. PELL addressed the chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I rise in strong support of this amendment of the Senator from Vermont. As one who, together with Senator Javits, wrote the original legislation almost 30 years ago, I believe that the cuts in the budget to the National Endowment for the Arts reductions to the National Endowment for the Arts would be a real blow to mainstream arts organizations all around our Nation. In addition, targeting these cuts to the theater and performing-presenting programs would place the existence of many smaller organizations which serve rural and inner city communities in grave jeopardy.

The theater, visual arts and performing-presenting programs have already suffered reductions of between \$1 and \$2 million in recent years. Under this bill,

these programs would each lose over 40 percent of their present Federal funding around our Nation.

For the Trinity Repertory Theater in my own State of Rhode Island, one of the most innovative and important theaters in the Nation, and one which has received significant funding from the Endowment's theater program, this cut would be very severe. A reduction in funding will require the theater to eliminate those programs which do not provide an immediate financial return. In the case of the Trinity Rep, this will mean elimination of the extraordinary Project Discovery Program which brings 18,000 Rhode Island high school students each year to see a theatrical production. Hence, the money cut from the NEA budget would result in a dramatic reduction in the theatrical programs available to lower income citizens that can presently be offered at a reduced price because of Federal aid.

These targeted budget reductions would also end the efforts of the Endowment's Presenting and Commissioning Program to extend grants to rural and underserved areas, would virtually eliminate all theater educational programming and theater-for-youth programs and would eliminate funding for the development of new plays.

Mr. President, the National Endowment has given over 100,000 grants throughout its existence, approximately 4,000 a year. Two or three of those a year have become controversial, including the grant to Walker Institute of Art under the previous Chairperson of the Endowment. While I do not agree with the controversial program that was, in turn, sponsored by the Walker Institute with the Federal funds it received, I am firmly of the mind that cutting nearly half of Federal funding for all our theaters and visual arts around the country is not the best solution and is not in our Nation's best interest. Using a colloquialism, it is throwing the baby out with the bathwater.

I hope that my colleagues will take these concerns into account, along with Ms. Alexander's efforts, to make the Endowment more accessible to applicants from communities around our Nation, and will support this amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, first of all, let me thank the Senator from Rhode Island who really represents, just as one person, a lifelong commitment to the arts and humanities. Let me thank my colleague from Vermont for the amendment. Let me join in with the remarks of my colleague from Connecticut about the President pro tempore. We had a chance to talk about this particular controversy in Minnesota and really about his love and appreciation of the

arts. I have no question at all about the Senator from West Virginia and his commitment to the arts and, in fact, the way in which the arts have affected his own life.

Mr. President, I also want to thank my colleague from Minnesota, Senator DURENBERGER, for his fine remarks. We are justifiably proud of the Walker Art Center. We do not want in any way, shape or form see that work decontextualized. A focus on one particular performance—agree or disagree—just does not give you a feel for the wonderful work this institution has done.

I read with great interest—and this is very much in the spirit of Senator JEFFORDS's amendment—an article in today's Washington Post that described a new round of NEA grants as "showing strong support for arts education, rural and urban underserved populations, programming on public television, museum exhibitions, creative writing and not-for-profit theaters."

Clearly, Jane Alexander is just getting started and we should be supporting her. We are talking about an NEA that has seen its buying power shrink by some 46 percent since 1979. As my colleague from Illinois, my dear friend, Senator SIMON, would say, "We can do better."

This 5-percent cut was not even an across-the-board cut. Specific programs were cut in what I think really could end up being—though I hope some of this money will be restored—even if the authors did not intend it to be so, punitive. I think Senators should know what the potential of some of these cuts are, not in terms of statistics, but in terms of the faces and places of those citizens and organizations that would be affected.

Mr. President, I speak of organizations like Atlanta's Alliance Theater; the Denver Center for the Performing Arts; and the Goodman Theater in Chicago, the Children's Theater Co. in Minneapolis, which reaches tens of thousands of schoolchildren in the Midwest; the Arkansas Repertory Theater which tours the rural South where there is little access to professional theater; the Pittsburgh Children's Festival which serves 100,000 people annually, drawing citizens from throughout the region; the Homer Council on the Arts in Homer, AK, which serves a community of 3,000 by presenting up to 150 artists to 5,500 people annually; or the Wheeling Symphony in West Virginia which offers young people's concerts and a program that reaches 6,000 elementary school students annually.

The list could go on and on, Mr. President. My point is that all of these organizations are in jeopardy of losing all or some of their Federal funding if these cuts go through.

As we all know, the importance of the arts to society goes back to the drawings on the wall of a cave. The arts today can be papier-mache in Mrs. BROWN's third grade art class, or the Bay Area Philharmonic in San Fran-

cisoo. It can be Native American, African-American, Chicano or Latino. The beautiful thing about the arts, Mr. President, is that its definition is so broad and so encompassing. It is, I believe, a statement of who we are as a society. Art has power. It has the power to heal, it has the power to educate.

I urge my colleagues to not forget the power. I urge my colleagues to not forget the beauty. I urge my colleagues to not forget the importance of the arts to our country, to our society, to our world, to our families, to our children, to our grandchildren, and to our civilization. I hope that one way or another that these cuts will be restored because I think the arts are so enriching, such a positive affirmation of who we are. Therefore, I thank the Senator from Vermont for his amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator HATFIELD be considered as an original cosponsor of the firefighter amendment that the Senate will be voting on at 3:30 p.m. this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators BAUCUS and BINGAMAN be added as cosponsors thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HOPING FOR A SPEEDY RECOVERY

Mr. BYRD. Mr. President, I was advised a little while ago by the Sergeant at Arms that a young man collapsed in the visitors' gallery this morning and that his name was Carlos Worley. The Sergeant at Arms told me that he is a 19-year-old Senate security aide. He was taken to George Washington University Hospital for evaluation, and initial indications seem to be that he suffered from either a collapsed lung or a blood clot in his lung.

I know that Senators hope that the young man will enjoy a speedy recovery and that this matter is not life-threatening.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, the Senator from Vermont proposes an amendment that would reduce all of the accounts in the Interior appropriations bill to restore the NEA to the level requested in the President's budget.

In reviewing amendments proposed to this bill, it has been my policy that across-the-board reductions should not be used as a source of funding to offset desired increases in other programs, and such is the case with this amend-

ment as well. As the Senator from Vermont knows, each appropriations bill is a series of choices, choices as to which programs should be increased and which programs should be decreased, choices involving decisions to increase program funding based on merit, based on need. No program in the bill is guaranteed funding at any particular level from one year to the next.

The Appropriations Committee took a 5-percent reduction in NEA funding over concern about some of the types of art that have been funded in recent years. It is difficult to conceive how some of the controversies that have consumed this appropriations bill can be argued to be examples of the best art that America has to offer or how they pass the test of artistic merit that is to be at the root of each grant decision made by the NEA.

I should say to the Senate that my own personal preference at the time was to reduce the NEA by more than the 5-percent reduction taken in the bill. But I recommended the course of action—after discussing it with other Senators, and particularly with the Senator from Oklahoma [Mr. NICKLES]. I recommended the course of action in response to concerns about not affecting adversely some of the very excellent art that also benefits from this bill.

I met with Jane Alexander, the Chairman of the National Endowment for the Arts. I was very impressed with Ms. Alexander and her commitment toward undertaking the necessary reviews and reforms within the NEA grant process to ensure greater accountability of the expenditure of dollars appropriated in the bill.

When I met with Ms. Alexander, she indicated that she was in the process of initiating certain actions and steps and reforms that hopefully will prevent future incidents in which certain performances have created opposition and resistance to appropriations for the arts. I was impressed with her. I was impressed that she was committed to undertaking the necessary reviews and reforms within the process to ensure greater accountability of the expenditure of dollars appropriated in this bill. I expressed to her that I would oppose any amendment in the Chamber that would modify the committee's recommended funding level, whether upward or downward.

So, I must oppose this amendment and take this bill to conference with the House, which has imposed a lesser reduction of 2 percent on the NEA's budget. I also told Ms. Alexander that I would approach the conference with an open mind, both with respect to the ultimate funding level and the distribution of any cuts that might be taken.

Mr. President, I simply want to do what is best for the NEA and for the arts. It is difficult to understand why some of the performances that have attracted so much controversy were funded in whole or in part—mostly in

part. I suppose I should say—by the NEA. We have had controversy time and time again, discussed here on the Senate floor. The overwhelming majority of the grants that have been made have been made for wholesome performances.

I do not know of anybody in this body who is a greater supporter of the arts than I am. When I was a boy, my foster father never bought a cap buster for me, or a cowboy suit. He did not have much money. He was a coal miner. He bought a drawing tablet or a water color set or a book. I suppose I am in a position to recall the words from the gardener in Shakespeare's "King Richard II."

I shall root away the noisome weeds which, without profit, suck the soil's fertility from wholesome flowers.

So it was not an attempt to destroy the wholesome flowers—and most of the NEA's budget consists of arts that might be categorized as wholesome flowers—but it was an attempt clearly to indicate that there has to be a painstaking effort, a more conscientious effort to root away the problems that "suck the soil's fertility from wholesome flowers," and have created the controversies and caused so much criticism. In the hopes that that message could be received and heard, which I believe it has been, the action was taken by the committee. I hope that we will give Jane Alexander a chance to promote a better image for the National Endowment for the Arts. I believe she will. I was impressed by her sincerity, by her conscientious attitude, by her demeanor, and by her words. I want her to make good, because if she makes good, the country makes good, and the NEA makes good. And perhaps the sooner she succeeds, the sooner we will not have to face amendments cutting funds for the NEA in the committee, in the Chamber, and in conference.

May I say to my friends who have proposed the amendment, fish and wildlife construction was cut 38.1 percent; fish and wildlife land acquisition has been cut 22.9 percent; Park Service construction has been cut 15.5 percent; Park Service land acquisition has been cut 13.6 percent; Geological Survey Service, 2.2 percent; Bureau of Mines Operations—which is no small matter to this Senator—cut 10.1 percent; Bureau of Indian Affairs construction, 26.2 percent; Forest Service construction—also very important to States like West Virginia—cut 13.3 percent; Fossil Energy Research and Development, cut 2.6 percent; strategic petroleum reserve, cut 25.9 percent; Indian Health construction, cut 14.6 percent.

The subcommittee is operating with \$336 million less than budget authority in fiscal year 1994.

Taking into consideration the overall constraints that we have had placed on us, Mr. President, I believe that the NEA cut that we are talking about is reasonable. I close by saying that I want to be helpful to Ms. Alexander.

and not hurt her, and not hurt legitimate and worthwhile grants for the arts' "wholesome flowers."  
I yield the floor.

VOTE ON AMENDMENT NO. 2395

THE PRESIDING OFFICER. Under the previous order, the hour of 3:30 having arrived, the question occurs on amendment No. 2395, offered by the Senator from West Virginia [Mr. BYRD]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. HATCH], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—92

|             |            |               |
|-------------|------------|---------------|
| Alaska      | Feingold   | McConnell     |
| Baucus      | Feinstein  | Mikulski      |
| Biden       | Ford       | Mitchell      |
| Bingaman    | Glenn      | Moseley-Braun |
| Bond        | Gorton     | Moynihan      |
| Boren       | Graham     | Murkowski     |
| Byrd        | Gramm      | Murray        |
|             | Grassley   | Nickles       |
|             | Gregg      | Nunn          |
| Bumpers     | Hatfield   | Packwood      |
| Burns       | Heflin     | Pell          |
| Byrd        | Helms      | Pressler      |
| Campbell    | Hollings   | Pryor         |
| Chafee      | Hutchinson | Reid          |
| Coats       | Inouye     | Riegle        |
| Cochran     | Jeffords   | Robb          |
| Cohen       | Johnston   | Rockefeller   |
| Conrad      | Kassebaum  | Roth          |
| Coverdell   | Kempthorne | Sarbanes      |
| Craig       | Kerry      | Sasser        |
| Danforth    | Kerry      | Shelby        |
| Daschle     | Kohl       | Simon         |
| DeConcini   | Lautenberg | Simpson       |
| Dodd        | Leahy      | Smith         |
| Dole        | Levin      | Stevens       |
| Domenici    | Lieberman  | Thurmond      |
| Dorgan      | Lott       | Wallop        |
| Durenberger | Lugar      | Warner        |
| Exon        | Mack       | Wellstone     |
| Faircloth   | Mathews    | Wofford       |
|             | McCain     |               |

NAYS—0

NOT VOTING—8

|         |         |            |
|---------|---------|------------|
| Bennett | Harkin  | Metzenbaum |
| Boxer   | Hatch   | Specter    |
| D'Amato | Kennedy |            |

So, the amendment (No. 2395) was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President. I ask unanimous consent that the Senator from Vermont, Mr. JEFFORDS, be recognized not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized for 2 minutes.

AMENDMENT NO. 2397

Mr. JEFFORDS. Mr. President, I rise for the purposes of letting everyone who would vote on my amendment know what I attempt to do with it.

I have an amendment pending which would restore funding to the NEA, and apply that restoration—to achieve the offset—as an across-the-board percentage cut to all programs in the bill. This would happen rather than gutting certain NEA programs by 40 percent.

Also pending is the Helms amendment, which is a broad censoring amendment which would attempt to prevent the kind of event that occurred in the Minnesota theater. We heard assurances earlier from the Senator from West Virginia that he was working with Jane Alexander of the Endowment. He intended that the purpose of his cut was to fire a shot across the bow to warn that further things should not occur. The House has approved only a 2 percent across-the-board cut.

I am placing my confidence in the Senator from West Virginia that his method of working with the Endowment will be much more successful and certainly much more desirable than adopting a broad censoring amendment, and a vote on my amendment.

Therefore, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment is withdrawn.

So the amendment (No. 2397) was withdrawn.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

AMENDMENT NO. 2396

Mr. BUMPERS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Helms amendment.

Mr. BUMPERS. Mr. President, I move to table the Helms amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas to lay on the table the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH],

and the Senator from Pennsylvania [Mr. SPECTER] are necessary absent.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 42, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—49

|           |             |               |
|-----------|-------------|---------------|
| Alaska    | Durenberger | Mikulski      |
| Baucus    | Feingold    | Mitchell      |
| Biden     | Feinstein   | Moseley-Braun |
| Bingaman  | Glenn       | Moynihan      |
| Boren     | Graham      | Murray        |
| Bradley   | Gregg       | Packwood      |
| Bryan     | Heflin      | Pell          |
| Bumpers   | Hollings    | Pryor         |
| Campbell  | Inouye      | Reid          |
| Chafee    | Jeffords    | Riegle        |
| Cohen     | Kassebaum   | Robb          |
| Conrad    | Kerry       | Rockefeller   |
| Danforth  | Kerry       | Sarbanes      |
| Daschle   | Lautenberg  | Simon         |
| DeConcini | Leahy       | Wellstone     |
| Dodd      | Levin       |               |
| Dorgan    | Lieberman   |               |

NAYS—42

|           |            |           |
|-----------|------------|-----------|
| Bond      | Gramm      | Murkowski |
| Breaux    | Grassley   | Nickles   |
| Brown     | Hatfield   | Nunn      |
| Burns     | Helms      | Pressler  |
| Byrd      | Hutchinson | Roth      |
| Coats     | Johnston   | Sasser    |
| Cochran   | Kempthorne | Shelby    |
| Coverdell | Kohl       | Simpson   |
| Craig     | Lott       | Smith     |
| Domenici  | Lugar      | Stevens   |
| Exon      | Mack       | Thurmond  |
| Faircloth | Mathews    | Wallop    |
| Ford      | McCain     | Warner    |
| Gorton    | McConnell  | Wofford   |

NOT VOTING—9

|         |        |            |
|---------|--------|------------|
| Bennett | Dole   | Kennedy    |
| Boxer   | Harkin | Metzenbaum |
| D'Amato | Hatch  | Specter    |

So the motion to lay on the table the amendment (No. 2396) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Mr. BYRD is recognized.

Mr. BYRD. Mr. President, in an effort to expedite matters, I have discussed the following request with the principals involved.

I ask unanimous consent that Mr. MCCAIN be recognized to call up an amendment—I believe it is an amendment to establish land acquisition criteria—that there be 5 minutes thereon, after which a vote occur; and I ask unanimous consent that it be in order to order the yeas and nays at this time.

Mr. NICKLES. Reserving the right to object. I wonder if it might be possible if we go to Senator BAUCUS or give us about another 5 minutes on Senator MCCAIN's amendment?

Mr. BYRD. I withdraw that request.

Mr. President, I ask unanimous consent that Mr. BAUCUS be recognized to call up an amendment on which there be no more than 5 minutes to be divided in accordance with the usual form, which means that Mr. BAUCUS gets 5 minutes and I get 10 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

is located in the junior Senator from Montana's home State, in Butte, that is going to cost taxpayers \$1.5 billion to clean up.

Mr. CRAIG. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I would like to be gracious and yield. But I want to finish statement.

Mr. CRAIG. For one question?

Mr. BUMPERS. For one question.

Mr. CRAIG. In my proposed reform, we suggested that if the Senate and the Congress grant the right of patenting, that a fair market value be paid for the land. Is that not now reasonable today, that citizens who acquire that land for mining pay the estimated royalty?

Mr. BUMPERS. Mr. President, everyone who has been following this debate knows that the issue the Senator raises is a complete red-herring. The surface of the type of land we are discussing is probably not worth more than \$100 an acre, in most instances. We are talking about the billions of dollars worth of gold underneath this land.

Mr. CRAIG. I am talking about royalty and fair market value. S. 775 has a royalty, plus the fair market value sales price of the land. Is that not reasonable?

I thank the Senator for yielding.

Mr. BUMPERS. I am happy to yield. I just want to make a few final points, and then yield the floor.

The Senator from Nevada [Mr. REID] made a point that we import palladium from Russia. I am not sure what the rationale is for his concern. I assume if we import anything from Russia, we should not impose a tax to try to curb practice.

Russia is a big gold producer. If we had up importing gold, under the rationale of the Senator from Nevada, there never would be a royalty on gold because we could get it from Russia. To invoke the cold war to try to keep doing what we have been doing for 122 years, which is the biggest scam in America, is an outrage.

In addition, approximately 75 to 80 percent of the gold mined in this country goes into jewelry? I have nothing against jewelry. I tell you, I have never worn a ring in my life. I have never worn a bracelet. I do not personally care anything about jewelry. But I do not criticize those who do. But here we are, giving away precious minerals, billions of dollars' worth of gold, to subsidize jewelry producers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, the reason I brought this amendment up today was for two reasons. No. 1, this amendment is in the House bill. The House has this language in its bill. The second reason is to say and to put my colleagues on notice that if that conference committee, to which the Senator from Idaho alluded, and on which

he and I both sit, come back with a decent compromise that is filibustered, I promise I will try to put this amendment on the first bill coming through the U.S. Senate, to stop patenting right dead in its tracks. And then there will not be much room for compromise.

I yield the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 2400) was withdrawn.

The PRESIDING OFFICER. Under the previous order, the committee amendment on page 48 line 16 is agreed to.

So the excepted committee amendment on page 48 line 16 was agreed to.

AMENDMENT NO. 2397

Mr. KENNEDY. Mr. President, I strongly support the National Endowment for the Arts. This agency has had a remarkable record of achievement over the past 30 years, but has too often been the subject of unfair criticism in recent times.

I hope that every Member of the Senate, including the critics of the Endowment, are aware of the large volume of outstanding work that the Endowment has done. And, since Jane Alexander became chairman, the praise for the agency has been even greater. There is a new sense of respect and appreciation for the Endowment's work.

Ms. Alexander has visited 34 States already. She has demonstrated an unparalleled commitment to making sure that the American people understand the true record of the Endowment, and especially its support for the Nation's museums, symphonies, regional theaters, dance companies, arts education programs, and local arts activities.

These grants have benefited every State in the Union. Many of the grants are awarded on a 3-to-1 matching basis, with three State and local dollars matching the Federal dollars, so the impact of the grants is leveraged very effectively.

In the 5 years from 1987 through 1991, the combined Federal and State arts investment in Massachusetts totaled nearly \$120 million. Those funds reached audiences of over 200 million people, provided 64,000 children and 15,000 teachers in our State with arts instruction and performances. They helped to generate \$238 million in private funds to match the public moneys.

Without question, these funds have made a difference in our State and I am sure they have made a comparable dif-

ference in each of the other states across the Nation.

At the recent Tony Awards ceremony in New York, Jane Alexander spoke of the Endowment's support for plays and playwrights, and the indispensable support it has given for developing new work. Endowment support can be found at the heart of nearly every Pulitzer Prize-winning play, either through a grant to the playwright or to the company which produced it. These works contribute to our national cultural heritage and are enjoyed by countless Americans in regional and local theaters in all parts of the country.

All of these beneficial results are achieved through our modest Federal investment in the Endowment. It is a modest annual appropriation that has declined in real dollars in recent years.

Support for the arts is an important principle of federalism that I strongly support. It is part of our national responsibility to encourage a climate in the country that promotes the development of the arts and encourages understanding and participation in music, literature, painting, sculpture, dance, and other forms of creative expression.

Any fair accounting of the Endowment's record will conclude that it is ably fulfilling its mission. It is providing indispensable support to the Nation's cultural institutions and it is increasing the public's access to the arts.

The appropriation for the Endowment of this legislation is a reduction of 5 percent below last year. The companion House bill contained a 2-percent reduction. I hope that the conferees will consider the serious impact that the continued erosion of funding levels will have on the Endowment, and that any reduction in funds will be left to the chairman to distribute among its programs.

The conferees will have an important opportunity to express their confidence in Chairman Alexander for the impressive efforts she is making on behalf of this important agency.

I commend Jane Alexander for her achievement. She is bringing new vigor and leadership to this essential agency. She deserves our support, and so does the Endowment.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I thank the chairman and the floor managers. As the information comes in necessary to proceed on the appropriations bill, I will certainly defer to that. But my remarks are short in nature, and I want to comment on the situation with regard to the targeted funding reduction to the National Endowment for the Arts. I am fully aware